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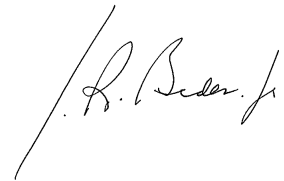
Presidential Documents

Title 3—**Memorandum of June 29, 2021****The President****Delegation of Certain Functions and Authorities Under the Women, Peace, and Security Act of 2017****Memorandum for the Secretary of State[,] the Secretary of Defense[,] the Secretary of Homeland Security[, and] the Administrator of the United States Agency for International Development**

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, I hereby delegate to the Secretary of State, in coordination with the Secretary of Defense, the Secretary of Homeland Security, and the Administrator of the United States Agency for International Development, the authority to submit to the Congress the reports required by sections 5(a) and 8(b) of the Women, Peace, and Security Act of 2017 (Public Law 115–68).

The delegation of authority provided in this memorandum shall apply to any provisions of any future public laws that are the same or substantially the same as those provisions referenced in this memorandum.

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



THE WHITE HOUSE,
Washington, June 29, 2021

Presidential Documents

Proclamation 10231 of June 30, 2021

50th Anniversary of the 26th Amendment

By the President of the United States of America

A Proclamation

Our Constitution recognizes that, as a Nation, we are constantly learning. Our Founders built that recognition into its original design, providing a mechanism to amend our Constitution as our Nation evolved. On July 1, 1971, our Nation ratified the 26th Amendment to the Constitution, lowering the voting age to 18. At the time, 18-, 19-, and 20-year-old Americans were fulfilling their civic duties: paying taxes, serving in our Armed Forces, acting as first responders, laboring in fields, factories, and service jobs across the country, and pursuing higher education. They were participating in our democracy and all of the responsibilities of citizenship in all ways except for one: they could not vote. A broad coalition, following in the footsteps of the suffragettes of the early 20th century and the civil rights activists of the 1960s, advocated, educated, and prevailed in persuading our Nation that those younger Americans were entitled to the right to vote. We also made a national commitment that the right to vote would never be denied or abridged for any adult voter based on their age.

My first race for the Senate was one of the first elections in which 18-year-olds could vote, and the energy and passion of Delaware's young people helped propel me to an unlikely victory.

Fifty years later, younger voters remain essential to our civic infrastructure. They are not only voting in our elections—including at record rates in 2020—but winning them. Younger Americans are lending their talent and vision to school boards, city councils, and county commissions; teenagers are serving as State legislators and mayors, and we are the better for it.

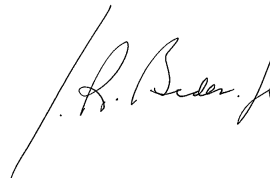
Younger voters are not waiting to inherit the future; they are building the future themselves. Young Americans have been on the front lines in the fight to defend the right to vote and expand access to the ballot box for all eligible voters. Their civic engagement extends beyond voting—with young Americans leading the calls for racial justice, climate action, gun violence prevention, and immigration reform among many other issues.

Despite the progress we have made, there remain persistent gaps in turnout between younger voters and their older counterparts. There is still more that we can and must do to deliver on the promise of the 26th Amendment. My Administration has made public service and civic education a priority, engaging younger Americans in our shared struggle for continual progress. I have directed Federal agencies to consider ways to make it easier to vote and to learn about voting, and to focus on the various ways that the Federal Government engages younger Americans, online and off. Today's youth are more diverse than past generations—and laws aimed at suppressing voter turnout in Black and Brown communities also impact young voters. My Administration supports the For the People Act and the John Lewis Voting Rights Advancement Act to protect the fundamental right to vote and make our democracy more equitable and accessible for all Americans.

Today, we honor the bipartisan expansion of voter enfranchisement. Let us continue our work to make the 26th Constitutional Amendment ever more meaningful in the months and years ahead.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim July 1, 2021, as the 50th Anniversary of the 26th Amendment. I call upon all Americans to participate in ceremonies and activities that honor the 26th formal modification of our national Charter, that recognize the contributions made by voters enfranchised by its terms, and that work toward full participation of all who are eligible to vote.

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

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

Rules and Regulations

Federal Register

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Tuesday, July 6, 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.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2006-24733; Project Identifier MCAI-2021-00139-R; Amendment 39-21642; AD 2021-14-15]

RIN 2120-AA64

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

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is superseding Airworthiness Directive (AD) 2002-08-16 for certain Eurocopter France SA341G, SA342J, and SA-360C helicopters. AD 2002-08-16 required removing certain main rotor head torsion tie bars (tie bars) from service and revising the limitations section of the existing maintenance manual for your helicopter by adding life limits for certain other tie bars. This AD was prompted by the determination that another part-numbered tie bar is affected by the same unsafe condition. This AD continues to require removing certain tie bars from service and establishing a life limit for certain other tie bars. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective August 10, 2021.

ADDRESSES: For Eurocopter service information identified in this final rule, 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>. 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.

Examining the AD Docket

You may examine the AD docket at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2006-24733; 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 Direction Generale De L'Aviation Civile (DGAC) ADs, 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: Hal Jensen, Aerospace Engineer, Operational Safety Branch, Compliance & Airworthiness Division, FAA, 950 L'Enfant Plaza N SW, Washington, DC 20024; telephone (202) 267-9167; email hal.jensen@faa.gov.

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a supplemental notice of proposed rulemaking (SNPRM) to amend 14 CFR part 39 to supersede AD 2002-08-16 (67 FR 19640, April 23, 2002) (AD 2002-08-16). AD 2002-08-16 applied to Eurocopter France Model SA341G, SA342J, and SA-360C helicopters with a tie bar part number (P/N) 341A31-4904-00, -01, -02, -03; 341A31-4933-00, -01; or 360A31-1097-02, -03, installed. The SNPRM published in the **Federal Register** on May 20, 2021 (86 FR 27323). The FAA preceded the SNPRM with a notice of proposed rulemaking (NPRM) that published in the **Federal Register** on May 10, 2006 (71 FR 27215). The SNPRM proposed to continue to require removing tie bar P/Ns 341A31-4904-00, -01, -02, and -03; and 360A31-1097-02 and -03 from service. The SNPRM also proposed to prohibit installing those part-numbered tie bars on any helicopter. The SNPRM proposed to initially require removing tie bar P/Ns 341A31-4933-00 and -01; and 704A33-633-270 from service if they have accumulated or exceeded the specified life limit, and thereafter removing those part-numbered tie bars from service

before accumulating the specified life limit.

The SNPRM was prompted by a significant amount of time that had elapsed since issuance of the NPRM that required the FAA to reopen the comment period to allow the public a chance to comment on the proposed actions. Additional review also revealed necessary changes to address the unsafe condition. The SNPRM proposed to clarify that the compliance times of requirements continued from AD 2002-08-16 are effective after the effective date of AD 2002-08-16, clarify instances of life limits specified in calendar time that they are since initial installation of the tie bar on any helicopter, clarify one instance of a life limit that it is total hours time-in-service (TIS) or calendar time—whichever occurs first, and add parts installation prohibitions. The SNPRM also updated the AD format. As a result, paragraph identifiers changed, editorial changes were made to meet current publishing requirements, and the proposed requirements were revised by removing unnecessary information.

The NPRM was prompted by DGAC AD 2001-587-041(A) R2, dated January 8, 2003 (DGAC AD 2001-587-041(A) R2), issued by the DGAC, which was the Technical Agent for France, to correct an unsafe condition for Model SA 341/342 helicopters. The DGAC advised of another affected tie-bar P/N 704A33-633-270 and additional flight restrictions for the newly-affected tie bar. This condition, if not addressed, could result in failure of a tie bar and subsequent loss of control of the helicopter. Accordingly, DGAC AD 2001-587-041(A) R2, along with DGAC AD 2001-588-047(A) R1, dated December 26, 2001 (DGAC AD 2001-588-047(A) R1), for Model SA 360 helicopters, require removing certain part-numbered tie bars from service and a life limit for certain other part-numbered tie bars.

Discussion of Final Airworthiness Directive

Comments

The FAA received no comments on the SNPRM or on the determination of the costs.

Conclusion

These helicopters have been approved by the European Union Aviation Safety

Agency (EASA) and are approved for operation in the United States. Pursuant to the FAA's bilateral agreement with the European Union, the FAA has been notified about the unsafe condition described in the DGAC ADs. The FAA reviewed the relevant data 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

The FAA reviewed Eurocopter Alert Service Bulletin No. 01.29, Revision 0, dated December 4, 2002, and Eurocopter Alert Telex No. 01.39, Revision 1, dated December 11, 2001. This service information specifies removing certain part-numbered tie bars at specified life limits.

Differences Between This AD and the DGAC ADs

For an affected tie bar that has accumulated 7 or more years since initial installation on any helicopter, DGAC AD 2001-587-041(A) R2 requires removing the tie bar before next flight, whereas this AD allows removal within 5 hours TIS instead.

For an affected tie bar that has accumulated 15 or more years since initial installation on any helicopter, DGAC AD 2001-588-047(A) R1 requires removing the tie bar before next flight, whereas this AD does not. For an affected tie bar that has accumulated 7 or more years since initial installation on any helicopter, DGAC AD 2001-588-047(A) R1 requires removing the tie bar before next flight, whereas this AD allows removal within 5 hours TIS instead. DGAC AD 2001-588-047(A) R1 allows a ferry flight not to exceed 5 hours to return the helicopter to a maintenance base, where as special flight permits are prohibited by this AD.

Costs of Compliance

The FAA estimates that this AD affects 29 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 tie bar takes about 1.5 work-hours and parts cost about \$9,579 for an estimated cost of \$9,707 per tie bar.

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 2002-08-16, Amendment 39-12725 (67 FR 19640, April 23, 2002); and
 - b. Adding the following new airworthiness directive:

2021-14-15 Airbus Helicopters (Type Certificate Previously Held by Eurocopter France) and Eurocopter France: Amendment 39-21642; Docket

No. FAA-2006-24733; Project Identifier MCAI-2021-00139-R.

(a) Effective Date

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

(b) Affected ADs

This AD replaces AD 2002-08-16, Amendment 39-12725 (67 FR 19640, April 23, 2002) (AD 2002-08-16).

(c) Applicability

This AD applies to Airbus Helicopters (type certificate previously held by Eurocopter France) Model SA341G and SA342J and Eurocopter France Model SA-360C helicopters, certificated in any category, with a main rotor head torsion tie bar (tie bar), part number (P/N) 341A31-4904-00, -01, -02, -03; 341A31-4933-00, -01; 360A31-1097-02, -03; or 704A33-633-270, installed.

(d) Subject

Joint Aircraft Service Component (JASC) Code: 6220, Main Rotor Head.

(e) Unsafe Condition

This AD was prompted by an accident caused by the failure of a tie bar. The FAA is issuing this AD to prevent failure of a tie bar, which if not addressed, could result in loss of a main rotor blade 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) For tie bar P/N 341A31-4904-00, -01, -02, and -03; and 360A31-1097-02 and -03, before further flight after May 8, 2002 (the effective date of AD 2002-08-16), remove the tie bar from service.

(2) For each tie bar P/N 341A31-4933-00 and -01:

(i) Before further flight after May 8, 2002 (the effective date of AD 2002-08-16), determine the date of initial installation on any helicopter, or if the date of initial installation cannot be determined, use the date of manufacture.

(A) For a tie bar that has accumulated 7 or more years since initial installation on any helicopter, within 5 hours time-in-service (TIS) after May 8, 2002 (the effective date of AD 2002-08-16), remove the tie bar from service.

(B) For a tie bar manufactured before 1995 that has accumulated less than 7 years since initial installation on any helicopter, before accumulating 7 years since initial installation on any helicopter, before accumulating 300 total hours TIS, or within 1 year after May 8, 2002 (the effective date of AD 2002-08-16), whichever occurs first, remove the tie bar from service.

(C) For a tie bar manufactured in 1995 or later that has accumulated less than 7 years since initial installation on any helicopter, before accumulating 7 years since initial installation on any helicopter, before accumulating 600 total hours TIS, or within 2 years after May 8, 2002 (the effective date

of AD 2002–08–16), whichever occurs first, remove the tie bar from service.

(ii) Thereafter following paragraph (g)(2)(i) of this AD, remove any tie bar P/N 341A31–4933–00 and –01 from service as follows:

(A) For a tie bar manufactured before 1995, remove the tie bar from service before accumulating 300 total hours TIS or 1 year since initial installation on any helicopter, whichever occurs first, and

(B) For a tie bar manufactured in 1995 or later, remove the tie bar from service before accumulating 600 total hours TIS or 2 years since initial installation on any helicopter, whichever occurs first.

(3) For tie bar P/N 704A33–633–270:

(i) Before further flight after the effective date of this AD, determine the date of initial installation on any helicopter, or if the date of initial installation cannot be determined, use the date of manufacture.

(ii) If the tie bar has accumulated 600 or more total hours TIS or 2 or more years since initial installation on any helicopter, whichever occurs first, before further flight, remove the tie bar from service.

(iii) If the tie bar has accumulated less than 600 total hours TIS or 2 years since initial installation on any helicopter, whichever occurs first, remove the tie bar from service before accumulating 600 total hours TIS or 2 years since initial installation on any helicopter, whichever occurs first.

(iv) Thereafter following paragraph (g)(3)(ii) or (iii) of this AD, remove any tie bar P/N 704A33–633–270 from service before accumulating 600 total hours TIS or 2 years since initial installation on any helicopter, whichever occurs first.

(4) As of the effective date of this AD, do not install tie bar P/N 341A31–4904–00, –01, –02, or –03; or 360A31–1097–02 or –03, on any helicopter.

(h) Special Flight Permits

Special flight permits are prohibited.

(i) 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 (j)(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.

(j) Related Information

(1) For more information about this AD, contact Hal Jensen, Aerospace Engineer, Operational Safety Branch, Compliance & Airworthiness Division, FAA, 950 L'Enfant Plaza N SW, Washington, DC 20024; telephone (202) 267–9167; email hal.jensen@faa.gov.

(2) The subject of this AD is addressed in Generale De L'Aviation Civile (France) AD 2001–588–047(A) R1, dated December 26, 2001, and AD 2001–587–041(A) R2, dated January 8, 2003. You may view those ADs at <https://www.regulations.gov> in Docket No. FAA–2006–24733.

Issued on June 28, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–14258 Filed 7–2–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

15 CFR Part 744

[Docket No. 210629–0139]

RIN 0694–AI52

Addition of Certain Entities to the Entity List; Correction of Existing Entry on 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 four entities to the Entity List. These four entities have been determined by the U.S. Government to be acting contrary to the foreign policy and national security interests of the United States and will be listed on the Entity List under the destination of Burma. This rule also amends the EAR by correcting the address of one entity, listed under Burma, on the Entity List.

DATES: This rule is effective July 6, 2021.

FOR FURTHER INFORMATION CONTACT: Chair, End-User Review Committee, Office of the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, Phone: (202) 482–5991, Email: ERC@bis.doc.gov.

SUPPLEMENTARY INFORMATION:

Background

Entity List

The Entity List (supplement no. 4 to part 744 of the EAR) identifies entities for which there is reasonable cause to believe, based on specific and articulable facts, that the entities have been involved, are involved, or 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 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.

Burma

This rule is part of an ongoing effort by the United States Government to impose restrictions on Burmese entities that support the Burmese military as part of a broader response to the February 1, 2021 coup by the military, which overthrew Burma’s democratically-elected government. On February 10, 2021, President Biden signed Executive Order (E.O.) 14014, “Blocking Property With Respect to the Situation in Burma” (E.O. 14104), in which he declared a national emergency to address the threat posed to the United States by the situation in, and in relation to, Burma following the coup. See 86 FR 9429 (Feb. 12, 2021).

Since February 2021, BIS has taken several actions under the EAR to strengthen export controls on Burma. These include the publication of “Burma: Implementation of Sanctions” (86 FR 10011) on February 18, 2021; “Burma: Implementation of Sanctions” (86 FR 13173) on March 8, 2021; “Addition of Entities to the Entity List” (86 FR 13179) on March 8, 2021; and “Expansion of Certain End-Use and End-User Controls and Controls on Specific Activities of U.S. Persons; Corrections; and Burma Sanctions” (86 FR 18433) on April 9, 2021.

ERC Entity List Decisions

Additions to the Entity List

This rule implements the decision of the ERC to add four entities to the Entity

List. The four entities are 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 four entities are located in Burma.

By making these Entity List additions, this final rule further strengthens export controls on Burma and addresses the foreign policy and national security concerns that formed the basis for the issuance of E.O. 14104. This rule also supports the United States Government's efforts to promote an immediate return to democracy in Burma. Specifically, BIS is adding the following four entities to the Entity List under the destination of Burma: Wanbao Mining, Ltd. and its two subsidiaries, Myanmar Wanbao Mining Copper, Ltd. and Myanmar Yang Tse Copper, Ltd.; and King Royal Technologies Co., Ltd. In particular, by adding Wanbao Mining, Ltd., Myanmar Wanbao Mining Copper, Ltd., and Myanmar Yang Tse Copper, Ltd. to the Entity List, this rule enhances the U.S. Government's efforts to ensure that items subject to the EAR are not available for copper mining operations by these three entities, which have revenue-sharing agreements with Myanmar Economic Holdings Limited (MEHL). MEHL provides revenue for Burma's Ministry of Defence, an entity responsible for the February 1, 2021 military coup. On March 8, 2021, BIS added MEHL and the Ministry of Defence to the Entity List. See 86 FR 13179 (March 8, 2021). Additionally, BIS is adding King Royal Technologies Co., Ltd., a telecommunications company, to the Entity List for providing satellite communication services in support of the Burmese military.

Pursuant to § 744.11(b) of the EAR, the ERC determined that the conduct of the above-described four entities raises sufficient concerns that prior review, via the imposition of a license requirement for exports, reexports, or transfers (in-country) of all items subject to the EAR involving these four entities and the possible issuance of license denials or the possible imposition of license conditions on shipments to these entities, will enhance BIS's ability to prevent violations of the EAR or otherwise protect U.S. national security or foreign policy interests.

For the four entities added to the Entity List in this final rule, BIS imposes a license requirement that applies to all items subject to the EAR. In addition, no license exceptions are available for exports, reexports, or transfers (in-country) to the persons being added to the Entity List in this

rule. BIS imposes a license review policy of a presumption of denial for these four entities. The acronym "a.k.a.," which is an abbreviation of '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.

For the reasons described above, this final rule adds the following four entities to the Entity List and includes, where appropriate, aliases:

Burma

- King Royal Technologies Co., Ltd.;
- Myanmar Wanbao Mining Copper, Ltd.;
- Myanmar Yang Tse Copper, Ltd.;
- and
- Wanbao Mining, Ltd.

Correction to the Entity List

This final rule implements a correction to one existing entry on the Entity List for an entity that was added to the Entity List under the destination of Burma on March 8, 2021 (86 FR 13180, March 8, 2021). Specifically, BIS is correcting the entry for Myanmar Economic Corporation by changing the address to refer to "Burma."

Savings Clause

Shipments of items removed from eligibility for a License Exception or export, reexport, or transfer (in-country) 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 July 6, 2021, pursuant to actual orders for export, reexport, or transfer (in-country) to or within a foreign destination, may proceed to that destination under the previous eligibility for a License Exception or export, reexport, or transfer (in-country) 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. 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

1. 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.

2. 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 commodity classification, and carries a burden estimate of 29.6 minutes for a manual or electronic submission for a total burden estimate of 31,835 hours. Total burden hours associated with the PRA and OMB control number 0694–0088 are not expected to increase as a result of this rule.

3. This rule does not contain policies with Federalism implications as that term is defined in Executive Order 13132.

4. 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.

5. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given 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 BURMA by:

■ a. Adding in alphabetical order an entry for “King Royal Technologies Co., Ltd.”;

■ b. Revising the listing for “Myanmar Economic Corporation”; and

■ c. Adding in alphabetical order entries for “Myanmar Wanbao Mining Copper, Ltd.,” “Myanmar Yang Tse Copper, Ltd.,” and “Wanbao Mining, Ltd.”.

The additions and revision read as follows:

Supplement No. 4 to Part 744—Entity List

* * * * *

Country	Entity	License requirement	License review policy	Federal Register citation
*	*	*	*	*
BURMA	*	*	*	*
	King Royal Technologies Co., Ltd., a.k.a., the following one alias: —KRT. 4, Min Dhama Rd., Shwe Gabar 6th St, Shwe Gabar Housing, Mayangone, Yangon, Burma; and Room 4 Shwe Gabar 6th Yangon, Burma.	All items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	86 FR [INSERT FR PAGE NUMBER AND July 6, 2021].
	Myanmar Economic Corporation, a.k.a., the following one alias: —MEC. Corner of Ahlone Road and Strand Road, Ahlone Township, Yangon, Burma.	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	86 FR 13180, 3/8/2021. 86 FR [INSERT FR PAGE NUMBER AND July 6, 2021].
	Myanmar Wanbao Mining Copper, Ltd., Yangon Office 70 (I)Bo Chein Street Pyay Road, Hlaing Township, Yangon, Burma.	All items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	86 FR [INSERT FR PAGE NUMBER AND July 6, 2021].
	Myanmar Yang Tse Copper, Ltd., 70/I, Bo Chein St., Ward (11), Hlaing, Yangon, Burma.	All items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	86 FR [INSERT FR PAGE NUMBER AND July 6, 2021].
	Wanbao Mining, Ltd., 70 Bo Chain Ln, Yangon, Burma.	All items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	86 FR [INSERT FR PAGE NUMBER AND July 6, 2021].
*	*	*	*	*

* * * * *

Matthew S. Borman,
Deputy Assistant Secretary for Export Administration.
[FR Doc. 2021–14367 Filed 7–2–21; 8:45 am]
BILLING CODE 3510–33–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Part 11
[Docket No. FR–6192–F–02]
RIN 2501–AD93

Implementing Executive Order 13992, Revocation of Certain Executive Orders Concerning Federal Regulation

AGENCY: Office of General Counsel, HUD.
ACTION: Final rule.

SUMMARY: On November 10, 2020, the U.S. Department of Housing and Urban Development (HUD, or the Department) published an interim final rule that implemented Executive Order 13891, “Promoting the Rule of Law Through

Improved Agency Guidance Documents.” This order required Federal agencies to publish regulations to codify processes and procedures for issuing guidance documents. HUD created new regulations that outlined HUD policy and procedures for issuing guidance documents. On January 20, 2021, President Biden issued Executive Order 13992, “Revocation of Certain Executive Orders Concerning Federal Regulation” which, among other things, revoked Executive Order 13891. After considering the public comments HUD received in response to its interim final rule and given the revocation of Executive Order 13891, this final rule removes the regulations HUD created in January.

DATES: Effective August 5, 2021.

FOR FURTHER INFORMATION CONTACT:

Aaron Santa Anna, Associate General Counsel, Office of Legislation and Regulations, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street SW, Room 10282, Washington, DC 20410–5000; telephone (202) 402–5300 (this is not a toll-free telephone number). Persons with hearing or speech impairments may access this number via TTY by calling the toll-free Federal Information Relay Service at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

I. Background

A. Executive Order 13891 on Promoting the Rule of Law Through Improved Agency Guidance Documents

On October 9, 2019 (84 FR 55235), the President issued Executive Order (E.O.) 13891, “Promoting the Rule of Law Through Improved Agency Guidance Documents.” E.O. 13891 recognized that the Administrative Procedure Act (5 U.S.C. 551–559) (APA) exempts “interpretive rules, general statements of policy, or rules of agency organization, procedure or practice,” except when required by statute, from the notice and comment requirements for rulemaking. (5 U.S.C. 553(b)). E.O. 13891 stated, however, that, in the view of the last administration, agencies have sometimes used this authority to issue guidance documents that regulate the public without following the notice and comment rulemaking procedures of the APA. As a result, E.O. 13891 required Federal agencies to issue regulations to codify processes and procedures for issuing guidance documents. Among other things, E.O. 13891 required that agency regulations establish procedures for modifying, withdrawing, and using guidance documents, including requiring notice and comment for significant guidance documents, and taking and responding to petitions from the public for withdrawal or modification of a particular guidance document.

B. HUD’s Interim Final Rule

In response to E.O. 13891, HUD published an interim final rule on November 10, 2020 (85 FR 71537) that established a new part 11 in title 24 of the CFR. The new part 11 required HUD to follow certain procedures in issuing guidance documents. These procedures included: Establishing a single agency website where the public can find all HUD guidance in effect; OMB review of significant guidance; public comment on significant guidance; and a

procedure for the public to request withdrawal or modification of a guidance document. In issuing its interim final rule, HUD determined that good cause existed to omit advanced public comment because the rule was limited to internal HUD procedures and did not impose new requirements on members of the public. The rule took effect on December 10, 2020.

Although HUD determined that good cause existed to publish its interim final rule prior to soliciting public comment, HUD provided for a 60-day public comment period. In response to its interim final rule, HUD received seven public comments which were mostly critical of, or recommended significant changes to, the interim final rule. A summary of these comments and HUD’s responses to them are provided in Section III of this document.

C. Executive Order on Revocation of Certain Executive Orders Concerning Federal Regulation of January 20, 2021

On January 20, 2021, President Biden issued E.O. 13992, “Executive Order on Revocation of Certain Executive Orders Concerning Federal Regulation,” which among other things, revoked E.O. 13891. E.O. 13992 also directed agencies to promptly take steps to rescind any orders, rules, regulations, guidelines, or policies, or portions thereof that implemented or enforced the Executive Orders revoked. E.O. 13992 states, “It is the policy of [the] Administration to use available tools to confront the urgent challenges facing the Nation, including the coronavirus disease 2019 (COVID–19) pandemic, economic recovery, racial justice, and climate change. To tackle these challenges effectively, executive departments and agencies (agencies) must be equipped with the flexibility to use robust regulatory action to address national priorities. This order revokes harmful policies and directives that threaten to frustrate the Federal Government’s ability to confront these problems and empowers agencies to use appropriate regulatory tools to achieve these goals.”

II. This Final Rule

Given the revocation of E.O. 13891, and after considering the public comments HUD received in response to the interim final rule, HUD has decided to remove 24 CFR part 11. In reaching this conclusion, HUD concluded that the interim final rule deprives HUD of necessary flexibility to determine when and how to best issue guidance documents based on particular facts and circumstances, and unduly restricts HUD’s ability to provide timely guidance on which the public can

confidently rely. Notwithstanding this determination, HUD takes the opportunity in this rule to respond to public comments received in response to its interim final rule.

III. The Public Comments

The comment period for HUD’s interim final rule closed on January 11, 2021. HUD received seven public comments from various housing policy and legal interest groups, a law firm, and two public housing agencies (PHAs). HUD appreciates the time that commenters took to review its interim final rule and provide helpful information and valuable comments and recommendations.

The Comments Generally

Most commenters opposed the interim final rule and urged HUD to withdraw or rescind the rule and “abandon” codification of 24 CFR part 11. Most commenters stated that HUD should encourage the facilitation and dissemination of guidance, particularly given the urgent need for federal response to current crises, such as the COVID–19 pandemic and lack of affordable housing, and housing discrimination. These commenters stated that the rule would make it more difficult for HUD to quickly respond to these crises and fulfill its mission of creating strong, sustainable, inclusive communities.

A majority of the commenters also thought that the rule would create confusion among HUD stakeholders and the public. Commenters stated that the interim final rule “would have a negative impact on the successful administration of HUD’s programs,” and would “significantly delay each program office’s ability to be responsive to emergencies and emerging questions and issues and increase the workload for HUD.” Commenters also warned that the burdens and delays imposed by the interim final rule would negatively impact the ability of stakeholders such as PHAs, tenants, and advocacy groups to carry out their respective missions and may subject their programs to litigation.

Two commenters generally supported the interim final rule but offered recommendations for significant changes, such as expanding it to provide the public an opportunity to request the issuance of new guidance or the reinstatement of rescinded guidance. One commenter recommended that HUD include an explicit judicial review

provision to make it clear when review of a document becomes final to permit an interested party to seek redress from the courts.

Comment: The Interim final rule's procedural requirements will delay the issuance of guidance and limit HUD's flexibility in issuing guidance.

Commenters expressed concern with the review of HUD guidance by the Office of Information and Regulatory Affairs (OIRA) and the need for HUD to receive and review public comments on significant guidance. One commenter stated that OIRA is a small office with a heavy workload that is slow to formally review proposed and final rules submitted by HUD. The commenter stated that adding the review of many HUD guidance documents to OIRA's workload would cause significant delays in the issuance of both HUD's guidance documents and its rules issued under the Administrative Procedure Act. Another commenter stated that "applying such procedures to sub-regulatory guidance creates unnecessary and burdensome bureaucracy." Other commenters said that the review, approval, and signature process for significant guidance "would hamper [HUD's] ability to act nimbly to issue guidance on key issues." Finally, one commenter noted that the rule would not only delay, but ultimately prevent, the dissemination of guidance.

Commenters also stated that allowing petitions to modify or rescind guidance documents and the requirement for HUD to respond to each petition in writing, would drain scarce agency resources and hamper HUD's ability to issue important guidance. One commenter stated that the process of permitting HUD to issue a coordinated response to similar petitions is insufficient to address delay issues. The commenter further said that HUD would be "doing the work" for petitioners with inadequate submissions "by laying out a roadmap and effectively crafting arguments for petitioners to have their petitions successfully adjudicated." Another commenter added that the "petition mechanism will likely confuse funding recipients," which in turn would create more work for HUD staff and delay day-to-day programmatic decision-making. The commenter also noted that "the interim final rule will strip authority from the career experts who normally develop guidance . . . and place day-to-day decisions directly into the hands of non-experts".

HUD Response: HUD agrees that the timely dissemination of guidance documents is important to the successful administration and consistent implementation of its

programs. In support of this policy, HUD must have flexibility to quickly issue guidance to further the implementation of HUD's programs without additional barriers. As commenters noted, applying the notice and comment process to significant guidance documents would unnecessarily detract from HUD's ability to respond to the needs of its stakeholders and adversely impact its ability to issue regulations under the APA by diverting HUD and OMB resources away from rulemaking processes. In addition, HUD currently seeks input from the public on many of its guidance documents and often issues guidance documents in response to such input and frequently asked questions. Similarly, HUD agrees that the petition process would cause delay in HUD's ability to disseminate guidance documents. Furthermore, HUD agrees that there is no need to codify such a requirement because HUD can and does already receive requests from the public which it considers when issuing, updating, and rescinding guidance.

Comment: The ambiguity of the terms used in the interim final rule make the scope of the rule unclear.

Commenters stated that the interim final rule lacks clarity, uses ambiguous terms, and creates general implementation issues. Many commenters stated that the interim final rule does not provide clear definitions and does not clarify which types of communication are subject to the rule. For example, commenters noted that the interim final rule's definition of what constitutes "guidance" is vague and makes the scope of the rule unclear. One commenter noted that the definition of "guidance" could be read broadly enough to include "virtually all written communications HUD delivers to stakeholders."

One commenter found the definition of guidance lacking and recommended that legal opinions directed to parties about circumstance-specific questions and Notices of Funding Availability (NOFAs)¹ be added to the definition of guidance documents. The commenter suggested that legal opinions are helpful to more than a single PHA facing similar factual scenarios.

Commenters also stated that the definition of "significant guidance" is

¹ HUD currently uses the term Notices of Funding Opportunity or "NOFO" for documents that would previously have been referred to as NOFAs. This change is based on the terminology used in Office of Management and Budget Management in its Guidance for Grants and Agreements (85 FR 49506, August 13, 2020). However, following the terminology used in the public comments, this document uses the term "NOFA" throughout.

unclear, overly broad, and susceptible to variance. One commenter stated that terms used in the definition of "significant guidance," such as "serious inconsistency" or "interference" with another agency, are so vague that "if [the interim final rule is] interpreted broadly, nearly every piece of guidance not explicitly exempted from being considered significant guidance will be subject to the burdensome OIRA review and public comment process." The commenter also noted the lack of explanation for how economic impact analyses would be conducted for significant guidance, and the apparent lack of public access to such analyses.

HUD Response: HUD agrees that the terms and definitions used by the interim final rule lack clarity and could lead to confusion and inconsistent implementation of HUD's programs. HUD appreciates the commenters' recommendations regarding legal opinions, but each legal opinion is party- and fact-specific, and HUD does not believe that they can be made generally applicable to other similarly situated parties. As for the NOFA process, PHAs and other entities are permitted to follow-up with HUD with questions regarding NOFAs and provide feedback for future NOFAs regardless of the language in part 11.

Lastly, HUD agrees with public commenters that the definitions of "guidance" and "significant guidance" could be interpreted broadly and doing so would make issuing guidance challenging. HUD notes that the definition of "significant guidance" incorporated in the interim final rule mirrors the definition in E.O. 12866 (Regulatory Planning and Review) for "significant regulatory action" and includes "novel legal or policy issues" which challenges articulating a specific definition. Notwithstanding, the requirement that HUD provide an economic analysis for guidance that rises to the level of "significant regulatory action" creates additional challenges to the Department's ability to timely issue guidance and outweighs any benefit resulting from the interim final rule.

Comment: The interim final rule creates uncertainty.

Commenters stated that the uncertainty created by the interim final rule would negatively affect HUD constituencies that routinely rely on HUD guidance, including tenants, advocates, owners, vulnerable populations, and PHAs. One commenter stated that HUD guidance is undermined by the provision noting that "the authority is nonbinding and unenforceable." The commenter stated

that the interim final rule would ultimately lead to inconsistent interpretations of HUD guidance because the provision negates the purpose of issued guidance “by inviting PHAs and owners to ignore it.” Another commenter stated that if a guidance document, which PHAs have routinely incorporated into their policies for decades, is determined to have no legal effect or rescinded, PHAs will find themselves “in limbo” with no new replacement guidance.

One commenter stated that the interim final rule may adversely impact vulnerable populations and encourage discriminatory policies. For example, survivors of domestic violence, sexual assault, and stalking would be left without access to certain remedies and procedures established under guidance (but not mentioned in statutes or regulations). According to the commenter, ignoring guidance on emergency transfers leaves “survivors without a clear path to obtaining an emergency transfer, leaving them in unsafe situations for longer periods of time.” The commenter also stated, by way of example, that “people with disabilities rely on HUD guidance to determine where they can live with their assistance or emotional support animals” and provide people with disabilities a “greater security when confronting housing discrimination.” A commenter further asserted that “by suggesting that PHAs or owners ignore HUD guidance, HUD encourages discriminatory policies against tenants with disabilities who need accommodations.”

Several commenters stated that the process for public petition would reduce reliance on guidance documents because it permits repeated requests for rescission of certain documents, and “create[s] a constant and ongoing state of uncertainty about whether the guidance will continue in effect or be withdrawn or modified pursuant to a petition from the public.” Other commenters stated that it is not clear how the review of a petition would operate or what remedies would be available if the public disagrees with a determination made by HUD in response to a petition.

One commenter focused on several other aspects of the interim final rule that the commenter said are unclear, including the “description of the public participation requirement;” whether any exceptions to OIRA review under § 11.8 apply; how these exceptions interact with § 11.3(b); and the implications of the interim final rule on joint agency guidance. For the public participation requirement, the commenter referred to

§ 11.6(b), and stated that stakeholders cannot discern “when HUD is soliciting public input on potential significant guidance.” Another commenter stated that the applicability of the good cause exception is unclear.

One commenter stated that under the interim final rule, it is unclear how HUD would notify the public when significant guidance documents are available for comment, for example, whether HUD would publish the significant guidance documents in the **Federal Register** or post an open letter on its website. The commenter requested that HUD explain how it would choose between outreach methods.

Commenters also stated that the interim final rule lacked clarity as to whether it applies to guidance retroactively and sought clarification on whether existing guidance documents remain in effect. One commenter recommended that the scope of the interim final rule be limited to future guidance and allow current guidance to remain in place until the issuance of newly issued guidance documents.

HUD Response: HUD agrees that the processes outlined in the interim final rule lack clarity and would likely lead to the inconsistent application of HUD’s programs. HUD also agrees that the use of guidance is helpful to supplement regulatory and statutory requirements and that HUD does not want to suggest, as a commenter stated, that guidance documents can be ignored. HUD agrees that HUD guidance documents that aim to prohibit and prevent discrimination against persons with disabilities and other protected classes should be reasonably relied on by stakeholders.

As for the ambiguity pointed out by commenters on procedures and processes for public petitions, identification of significant guidance for public comment, and retroactivity of the rule, HUD agrees that the rule provided minimal guidance to the public on how HUD would address those provisions and believes this further supports the determination to remove 24 CFR part 11.

Comment: The new indexed website portal is misguided.

One commenter supported HUD’s use of the indexed guidance portal, but many had questions about it. A commenter questioned whether HUD has the operational capacity to establish and maintain a “single, searchable, indexed website” as required by the interim final rule. The commenter stated that although the interim final rule went into effect on December 10, 2020, “it appears no such guidance website has been established.” The commenter also

asked what HUD intends to do with the guidance documents not posted on this new guidance website, or what will happen with guidance documents that are removed from the website.

Other commenters questioned whether the guidance portal will achieve the goal of making program policies more transparent. One commenter specifically noted that separating guidance documents from other types of documents (such as, NOFAs, legal briefs, and opinions) makes program administration and policies less transparent, especially since it is not clear what a guidance document is under the interim final rule. The commenter also questioned what HUD meant by describing the guidance portal as “a single, accessible source of information” for HUD programs and policies. The commenter recommended that “it would be better to organize relevant documents of all types by program and subject matter, rather than by document type.”

Another commenter asked whether PHAs or members of the public could challenge HUD’s decision to include or not include a guidance document on its website. The commenter noted that stakeholders “should have a formal opportunity to inform HUD if previously-issued helpful guidance has been omitted from the guidance website.” The commenter also recommended that HUD include on the portal cross-references to other federal agencies’ guidance documents which potentially impact PHAs, such as, the Federal Highway Administration’s guidance on relocation under the Uniform Relocation Assistance and Real Property Acquisition Act.

HUD Response: HUD will continue to disseminate and provide guidance documents pertaining to specific programs and agrees that continuing to organize documents by program type and subject matter may be helpful to PHAs and others using HUD programs. At the same time, it will continue to pursue ways to make its guidance documents more accessible to the public.

Comment: HUD lacked good cause to bypass the APA’s notice-and-comment procedures.

Several commenters questioned HUD’s authority to publish the interim final rule without first seeking public comment, noting that HUD did not adequately establish good cause to issue the rule. Commenters stated that no emergency or exigency existed to justify application of the good cause exception. These commenters said the fact that HUD issued its interim final rule more than a year after the issuance of E.O.

13891 undercuts HUD's justification to omit prior public comment. Commenters also stated that "the approach taken by HUD in this rulemaking is wholly inconsistent with the value of public input." Some commenters stated that if HUD goes on to implement regulations on guidance, HUD should follow normal notice-and-comment procedure beginning with a proposed rule and should better involve stakeholders, such as PHAs.

HUD Response: HUD's authority to issue the interim final rule without the public notice period relied on both the APA and 24 CFR part 10 authority to issue rules regarding internal procedures prior to receiving public comment. HUD appreciates and understands the commenters' concerns, but HUD maintains that the interim final rule was procedural rather than substantive, because it affected only HUD internal procedures and imposed no obligations on parties outside the federal government. Specifically, the regulation required HUD to issue and maintain guidance documents in a certain manner but did not create any new obligations for parties other than HUD itself. HUD also notes that while it issued the interim final rule for immediate effect, it provided the opportunity for public comment that HUD has considered in issuing this final rule.

Comment: Changes could improve the interim final rule.

Some commenters generally supported the interim final rule but made recommendations for significant changes. One commenter supported the interim final rule's provision that provided the public a procedure to challenge the agency's issuance of guidance but recommended that the interim final rule also provide for "judicial review after the final disposition of a petition for withdrawal or modification of guidance documents." The commenter reasoned that without additional procedure, regulated entities would have difficulty establishing that an agency's determination on a challenged guidance document is a "final agency action" subject to APA review. The commenter recommended revising § 11.6, by adding a paragraph that would provide, "[a]ny agency pronouncement, response, or failure to respond pursuant to this section shall constitute final agency action under 5 U.S.C. 704 and shall be subject to review pursuant to 5 U.S.C. 702."

Other commenters offered revisions to § 11.6, including adding provisions for the public to request clarification of existing guidance, reinstatement of old

guidance, or creation of new guidance, and establishing a mechanism for expediting guidance when necessary. Another commenter stated that the rule does not explain how new procedures, namely the petition process, will be accessible to people with disabilities and emphasized the importance of "ensuring that people with disabilities are afforded equal opportunity to comment during public notice and comment periods." One commenter recommended extending the comment period for significant guidance to 60 days, instead of the existing 30 days, because significant guidance documents "are likely to be complex in subject matter and scope."

HUD Response: HUD disagrees with these recommendations. Providing for "judicial review after the final disposition of a petition for withdrawal or modification of guidance documents" would create additional hurdles for HUD's issuance of guidance documents. Similarly, providing the public a formal opportunity to request the issuance of new guidance or the reinstatement of rescinded guidance would be extremely time consuming, require the use of limited HUD resources, and impede HUD's ability to provide timely guidance, particularly in times of crisis. Moreover, HUD believes that stakeholders already can and do question or request the revision of existing guidance, reinstatement of old guidance, or creation of new guidance. HUD believes that engagement with the public in this informal manner effectively addresses the needs of HUD stakeholders without the additional burden of creating a formal process as proposed.

President Biden's "Executive Order on Revocation of Certain Executive Orders Concerning Federal Regulation," of January 20, 2021, revoking E.O. 13891 provides HUD the opportunity to remove 24 CFR part 11. Consideration of the comments received from the public provide HUD an additional basis for removing 24 CFR part 11.

IV. Findings and Certifications

Regulatory Review—Executive Orders 12866 and 13563

Under E.O. 12866 (Regulatory Planning and Review), a determination must be made regarding whether a regulatory action is significant and, therefore, subject to review by the Office of Management and Budget (OMB) in accordance with the requirements of the order. E.O. 13563 (Improving Regulations and Regulatory Review) directs executive agencies to analyze regulations that are "outmoded,

ineffective, insufficient, or excessively burdensome, and to modify, streamline, expand, or repeal them in accordance with what has been learned." E.O. 13563 also directs that, where relevant, feasible, and consistent with regulatory objectives, and to the extent permitted by law, agencies are to identify and consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public.

This rule was determined not to be a "significant regulatory action," under section 3(f) of E.O. 12866 and therefore was not reviewed by OMB. This rule is also not a major rule under the Congressional Review Act (5 U.S.C. 801 *et seq.*), as designated by the Office of Information and Regulatory Affairs (OIRA).

Environmental Impact

The rule does not direct, provide for assistance or loan and mortgage insurance for, or otherwise govern or regulate, real property acquisition, disposition, leasing, rehabilitation, alteration, demolition, or new construction, or establish, revise, or provide for standards for construction or construction materials, manufactured housing, or occupancy. Accordingly, under 24 CFR 50.19(c)(1), this rule is categorically excluded from environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321).

Unfunded Mandates Reform Act

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

Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. This rule removes 24 CFR part 11 which would have required that HUD follow certain internal procedures in issuing guidance documents. These procedures included establishing a single agency website where the public can find all HUD guidance in effect; OMB review of significant guidance; public comment on significant guidance; and a

procedure for the public to request withdrawal or modification of a guidance document. Removal of these procedures imposes no significant economic impact on a substantial number of small entities. Therefore, the undersigned certifies that this rule will not have a significant impact on a substantial number of small entities.

Executive Order 13132, Federalism

E.O. 13132 (entitled "Federalism") prohibits an agency from publishing any rule that has federalism implications if the rule either: (1) Imposes substantial direct compliance costs on State and local governments and is not required by statute, or (2) preempts State law, unless the agency meets the consultation and funding requirements of Section 6 of the E.O. This Interim final rule does not have federalism implications and does not impose substantial direct compliance costs on State and local governments nor preempt state law within the meaning of the E.O.

List of Subjects in 24 CFR Part 11

Administrative practice and procedure.

PART 11 [REMOVED]

■ Accordingly, for the reasons described in the preamble and under the authority of 42 U.S.C. 3535(d), the U.S. Department of Housing and Urban Development removes 24 CFR part 11.

Dated: June 24, 2021.

Marcia L. Fudge,

Secretary.

[FR Doc. 2021-14019 Filed 7-2-21; 8:45 am]

BILLING CODE 4210-67-P

DEPARTMENT OF THE TREASURY

Office of the Secretary

31 CFR Part 1

RIN 1505-AC73

Privacy Act; Special Inspector General for Pandemic Recovery

AGENCY: Departmental Offices, Department of the Treasury.

ACTION: Final rule.

SUMMARY: In accordance with the requirements of the Privacy Act of 1974, as amended, the Department of the Treasury, Departmental Offices (DO), is issuing a final rule to amend its regulations to exempt portion of the following new systems of records maintained by the Special Inspector General for Pandemic Recovery (SIGPR)

from certain provisions of the Privacy Act. The exemption is intended to comply with the legal prohibitions against the disclosure of certain kinds of information and to protect certain information maintained in this system of records.

DATES: Effective July 6, 2021.

FOR FURTHER INFORMATION CONTACT: For questions about this notice and privacy issues, contact: Deputy Assistant Secretary for Privacy, Transparency, and Records at U.S. Department of the Treasury, 1500 Pennsylvania Avenue NW, Washington, DC 20220; telephone: (202) 622-5710.

SUPPLEMENTARY INFORMATION:

Background

SIGPR was established by the Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020. SIGPR has the duty to conduct, supervise, and coordinate audits, evaluations, and investigations of the making, purchase, management, and sale of loans, loan guarantees, and other investments made by the Secretary of the Treasury under programs established by the Secretary, as authorized by Section 4018(c) of the CARES Act, and the management by the Secretary of programs, as authorized by Section 4018(c) of the CARES Act. SIGPR's duties and responsibilities are set forth in Section 4018 of the CARES Act, and in the Inspector General Act of 1978, 5 U.S.C. app. 3. SIGPR plans to create these systems of records to facilitate SIGPR's audits, evaluations, investigations, and other operations to (1) promote economy, efficiency, and effectiveness in the administration of such programs; (2) prevent and detect fraud and abuse in the programs and operations within its jurisdiction; and (3) keep the head of the establishment and the Congress fully informed about problems and deficiencies relating to the administration of such programs and operations and the necessity for and progress of corrective action. Treasury is publishing separately the notice of the new system of records to be maintained by SIGPR.

Under 5 U.S.C. 552a(j)(2) and (k)(2), the head of a federal agency may promulgate rules to exempt a system of records from certain provisions of 5 U.S.C. 552a if the system of records contains investigatory materials compiled for law enforcement purposes. Pursuant to these provisions, Treasury exempts the following system of records from 5 U.S.C. 552a (c)(3), (c)(4), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(2), (e)(3), (e)(4)(G), (e)(4)(H), (e)(4)(I), (e)(5), (e)(8), (f), and (g) of the Privacy Act:

SIGPR .420—Audit and Evaluations Records

SIGPR .421—Case Management System and Investigative Records

SIGPR .423—Legal Records

The following are the reasons the investigatory materials contained in the above-referenced systems of records maintained by SIGPR may be exempted from various provisions of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2) and (k)(2):

(1) Exempted from 5 U.S.C. 552a(e)(4)(G) and (f)(1) (Agency Requirements and Rules) because release would give individuals an opportunity to learn whether they have been identified as suspects or subjects of investigation. As further described in the following paragraph, access to such knowledge may impair the ability of the Department of the Treasury and SIGPR (the Department/SIGPR) to carry out its respective missions, since individuals could:

- (i) Take steps to avoid detection;
- (ii) Inform associates that an investigation is in progress;
- (iii) Learn the nature of the investigation;
- (iv) Learn whether they are suspects or, instead, have been identified as alleged law violators;
- (v) Begin, continue, or resume illegal conduct upon learning that they are not identified in the system of records; or
- (vi) Destroy evidence needed to prove the violation.

(2) Exempted from 5 U.S.C. 552a(d)(1), (e)(4)(H) and (f)(2), (3) and (5) (Access to Records and Agency Requirements and Rules) because release might compromise the Department's/SIGPR's ability to provide useful tactical and strategic information to law enforcement agencies by:

- (i) Permitting access to records contained in the systems of records such that it might provide information concerning the nature of current investigations and enable possible violators to avoid detection or apprehension by:

(A) Allowing the discovery of facts that could form the basis for violators' arrests;

(B) Enabling violators to destroy or alter evidence of alleged criminal conduct that could form the basis for arrest; and

(C) Using knowledge of the status of criminal investigations to delay the commission of a crime or commit a crime at a location that might not be under surveillance.

(ii) Permitting access to either ongoing or closed investigative files might also reveal investigative techniques and

procedures, the knowledge of which could enable individuals planning crimes to structure their operations to avoid detection or apprehension.

(iii) Permitting access to investigative files and records also could disclose the identity of confidential sources and informants and the nature of the information supplied, and thereby endanger the physical safety of those sources by exposing them to possible reprisals for having provided the information. In addition, confidential sources and informants might refuse to provide criminal investigators with valuable information if they fear their identities may be revealed through disclosure of their names or the nature of the information they supplied. Loss of access to such sources would seriously impair the Department's/SIGPR's ability to carry out its respective mandate.

(iv) Furthermore, providing access to information contained in the systems of records could reveal the identities of undercover law enforcement officers who compiled information regarding the individual's alleged criminal activities and thereby endanger the physical safety of those undercover officers or their families by exposing them to possible reprisals.

(v) By compromising the law enforcement value of the systems of records for the reasons outlined in paragraph (2), subsections (i) through (iv), permitting access in keeping with these provisions would discourage other law enforcement and regulatory agencies, foreign and domestic, from freely sharing information with the Department/SIGPR and thus would restrict the Department's/SIGPR's access to information necessary to accomplish its respective mission most effectively.

(vi) Finally, the dissemination of certain information that the Department/SIGPR maintains in the systems of records is restricted by law.

(3) Exempted from 5 U.S.C. 552a(d)(2), (3) and (4), (e)(4)(H), and (f)(4) (Access to Records) because these provisions pertain to requesting an amendment or noting a dispute to records that are exempt from access for the reasons set forth in paragraph (2) above.

(4) Exempted from 5 U.S.C. 552a(c)(3) (Accounting for Disclosures) because release of the accounting of disclosures of the records in this system could impair the ability of law enforcement agencies outside the Department/SIGPR from making effective use of information provided by the Department/SIGPR. Making accountings of disclosures available to the subjects of an investigation could alert them to

the fact that another agency is conducting an investigation into their alleged criminal activities and could reveal the geographic location of the other agency's investigation, the nature and purpose of that investigation, and the dates on which that investigation was active. Individuals possessing such knowledge could take measures to avoid detection or apprehension by altering their operations, transferring their alleged criminal activities to other geographical areas, or destroying or concealing evidence that would form the basis for arrest. In the case of a delinquent account, such release might enable the subject of the investigation to dissipate assets before levy.

(ii) Moreover, providing accountings to the subjects of investigations would alert them to the fact that the Department/SIGPR has information regarding their alleged criminal activities and could inform them of the general nature of that information. Access to such information could reveal the operations of the Department/SIGPR's information-gathering and analysis systems and permit individuals to take steps to avoid detection or apprehension.

(5) Exempted from 5 U.S.C. 552a(c)(4) (Accounting of Disclosures/Notice of Record Correction or Dispute) because this provision depends on an individual's having access to and an opportunity to request amendment of records that are exempt from access for the reasons set out above, this provision should not apply to the systems of records.

(6) Exempted from 5 U.S.C. 552a(e)(4)(I) (Agency Requirements/Publication of the Categories of Records) because it could compromise the Department/SIGPR's ability to provide useful information to law enforcement agencies, since revealing sources for the information could:

(i) Disclose investigative techniques and procedures;

(ii) Result in threats or reprisals against informants by the subjects of investigations; and

(iii) Cause informants to refuse to give full information to criminal investigators for fear of having their identities as sources disclosed.

(7) Exempted from 5 U.S.C. 552a(e)(1) (Agency Requirements/Maintaining Records) because the term "maintain" includes "collect" and "disseminate," and application of this provision to the systems of records could impair the Department/SIGPR's ability to collect and disseminate valuable law enforcement information in the following ways:

(i) In many cases, especially in the early stages of an investigation, it may be impossible to immediately determine whether information collected is relevant and necessary, and information that initially appears irrelevant and unnecessary often may, upon further evaluation or upon collation with information developed subsequently, prove particularly relevant to a law enforcement program.

(ii) Not all violations of law discovered by the Department/SIGPR fall within the investigative jurisdiction of the Department or SIGPR. To promote effective law enforcement, the Department/SIGPR may disclose such violations to other law enforcement agencies, including state, local and foreign agencies, that have jurisdiction over the offenses to which the information relates. Otherwise, the Department/SIGPR might be placed in the position of having to ignore information relating to violations of law not within the jurisdiction of the Department or SIGPR when that information comes to the Department/SIGPR's attention during the collation and analysis of information in its respective records.

(8) Exempted from 5 U.S.C. 552a(e)(2) (Agency Requirements/Collection from an Individual) because it could impair the Department's ability to collate, analyze, and disseminate investigative, intelligence, and enforcement information. In addition:

(i) Most information collected about an individual under criminal investigation is obtained from third parties, such as witnesses and informants. It is usually not feasible to rely upon the subject of the investigation as a source for information regarding his or her alleged criminal activities.

(ii) An attempt to obtain information from the subject of a criminal investigation will often alert that individual to the existence of an investigation, thereby affording the individual an opportunity to attempt to conceal his or her alleged criminal activities and thus avoid apprehension.

(iii) In certain instances, the subject of a criminal investigation may assert his or her constitutional right to remain silent and refuse to supply information to criminal investigators upon request.

(iv) During criminal investigations, it is often a matter of sound investigative procedure to obtain information from a variety of sources to verify information already obtained from the subject of a criminal investigation or other sources.

(9) Exempted from 5 U.S.C. 552a(e)(3) (Agency Requirements/Informing Individuals) because it could impair the

Department/SIGPR's ability to collect and collate investigative, intelligence, and enforcement data. In addition:

(i) Confidential sources or undercover law enforcement officers often obtain information under circumstances in which it is necessary to keep the true purpose of their actions secret so as not to let the subject of the investigation, or his or her associates, know that a criminal investigation is in progress.

(ii) If it became known that the undercover officer was assisting in a criminal investigation, that officer's physical safety could be endangered through reprisal, and that officer may not be able to continue working on the investigation.

(iii) Individuals often feel inhibited talking to a person representing a criminal law enforcement agency but are willing to talk to a confidential source or undercover officer whom they believe is not involved in law enforcement activities.

(iv) Providing a confidential source of information with written evidence that he or she was a source, as required by this provision, could increase the likelihood that the source of information would be subject to retaliation by the subject of the investigation.

(v) Individuals may be contacted during preliminary information gathering, surveys, or compliance projects concerning the administration of the internal revenue laws before any individual is identified as the subject of an investigation. Informing the individual of the matters required by this provision could impede or compromise subsequent investigations.

(10) Exempted from 5 U.S.C. 552a(e)(5) (Agency Requirements/Record Maintenance). Because the definition of "maintain" includes "collect" and "disseminate," this provision could hinder the initial collection of any information that might not be determined or determinable, at the moment of collection, to be accurate, relevant, timely, and complete.

Similarly, application of this provision could seriously restrict the Department/SIGPR's ability to disseminate information pertaining to a possible violation of law to law enforcement and regulatory agencies. In collecting information during a criminal investigation, it is often impossible or unfeasible to determine accuracy, relevance, timeliness, or completeness prior to collection of the information. In disseminating information to law enforcement and regulatory agencies, it is often impossible to determine accuracy, relevance, timeliness, or completeness prior to dissemination because the Department/SIGPR may not

have the expertise with which to make such determinations. Information that may initially appear inaccurate, irrelevant, untimely, or incomplete may, when collated and analyzed with other available information, become more pertinent as an investigation progresses. In addition, application of this provision could seriously impede criminal investigators and intelligence analysts in the exercise of their judgment in reporting results obtained during criminal investigations.

(11) Exempted from 5 U.S.C. 552a(e)(8) (Agency Requirements/Notice) because it could reveal investigative techniques and procedures outlined in those records and to prevent revelation of the existence of an ongoing investigation where there is need to keep the existence of the investigation secret.

(12) Exempted from 5 U.S.C. 552a(g) (Civil Remedies) because, if the civil remedies relate to provisions of 5 U.S.C. 552a from which these rules exempt the systems of records, there should be no civil remedies for failure to comply with provisions from which the Department/SIGPR is exempted. Exemption from this provision will also protect the Department/SIGPR from baseless civil court actions that might hamper its ability to collate, analyze, and disseminate investigative, intelligence, and law enforcement data.

Any information from a system of records for which an exemption is claimed under 5 U.S.C. 552a(j)(2) or 5 U.S.C. 552a(k)(2), which is also included in another system of records, retains the same exempt status such information has in the system of records for which such exemption is claimed.

This rule is not a "significant regulatory action" under Executive Order 12866.

Pursuant to the requirements of the Regulatory Flexibility Act (RFA), 5 U.S.C. 601-612, it is hereby certified that this rule will not have significant economic impact on a substantial number of small entities. The term "small entity" is defined to have the same meaning as the terms "small business," "small organization," and "small governmental jurisdiction" as defined in the RFA.

The regulation, issued under sections (j)(2) and (k)(2) of the Privacy Act, is to exempt certain information maintained by the Department/SIGPR in the above-referenced systems of records from certain Privacy Act requirements in this system of records by individuals who are United States citizens or aliens lawfully admitted for permanent residence. In as much as the Privacy Act rights are personal and apply only to

U.S. citizens or an alien lawfully admitted for permanent residence, small entities, as defined in the RFA, are not provided rights under the Privacy Act and are outside the scope of this regulation.

Public Comments

Treasury received no comment on the notice of proposed rulemaking. No comment was received on the system of records notice. Treasury will implement the rulemaking as proposed.

List of Subjects in 31 CFR Part 1

Privacy.

For the reasons stated in the preamble, part 1, subpart C of Title 31 of the Code of Federal Regulations is amended as follows:

PART 1—[AMENDED]

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

Authority: 5 U.S.C. 301 and 31 U.S.C. 321. Subpart A also issued under 5 U.S.C. 552, as amended. Subpart C also issued under 5 U.S.C. 552a, as amended.

■ 2. Section 1.36 is amended by adding entries for "SIGPR .420", "SIGPR .421", and "SIGPR .423" in alphanumeric order to the tables in paragraphs (c)(1)(ii) and (g)(1)(ii) to read as follows:

§ 1.36 Systems exempt in whole or in part from provisions of 5 U.S.C. 522a and this part.

*	*	*	*	*
(c)	*	*	*	
(1)	*	*	*	
(ii)	*	*	*	

Number	System name
*	*
SIGPR .420	Audit and Evaluations Records.
SIGPR .421	Case Management System and Investigative Records.
SIGPR .423	Legal Records.

*	*	*	*	*
(g)	*	*	*	
(1)	*	*	*	
(ii)	*	*	*	

Number	System name
*	*
SIGPR .420	Audit and Evaluations Records.
SIGPR .421	Case Management System and Investigative Records.
SIGPR .423	Legal Records.

* * * * *

Ryan Law,*Deputy Assistant Secretary Privacy, Transparency, and Records.*

[FR Doc. 2021-14213 Filed 7-2-21; 8:45 am]

BILLING CODE 4810-AK-P?<

DEPARTMENT OF THE TREASURY**Office of Foreign Assets Control****31 CFR Part 520****International Criminal Court-Related Sanctions Regulations****AGENCY:** Office of Foreign Assets Control, Treasury.**ACTION:** Final rule.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control (OFAC) is removing from the Code of Federal Regulations the International Criminal Court-Related Sanctions Regulations as a result of the termination of the national emergency on which the regulations were based.

DATES: This rule is effective July 6, 2021.

FOR FURTHER INFORMATION CONTACT: OFAC: Assistant Director for Licensing, 202-622-2480; Assistant Director for Regulatory Affairs, 202-622-4855; or Assistant Director for Sanctions Compliance & Evaluation, 202-622-2490.

SUPPLEMENTARY INFORMATION:**Electronic Availability**

This document and additional information concerning OFAC are available on OFAC's website: www.treasury.gov/ofac.

Background

On June 11, 2020, the President, invoking the authority of, *inter alia*, the International Emergency Economic Powers Act (50 U.S.C. 1701-1706) (IEEPA), issued Executive Order (E.O.) 13928 (85 FR 36139, June 15, 2020), "Blocking Property of Certain Persons Associated With the International Criminal Court." In E.O. 13928, the President found that the International Criminal Court's (ICC) assertions of jurisdiction over personnel of the United States and certain of its allies threatened to subject current and former United States Government and allied officials to harassment, abuse, and possible arrest, and that these actions on the part of the ICC, in turn, threatened to infringe upon the sovereignty of the United States. The President therefore determined that any attempt by the ICC

to investigate, arrest, detain, or prosecute any United States personnel without the consent of the United States, or of personnel of countries that are United States allies and who are not parties to the Rome Statute or have not otherwise consented to ICC jurisdiction, constituted an unusual and extraordinary threat to the national security and foreign policy of the United States and declared a national emergency to deal with that threat.

On October 1, 2020, OFAC issued the International Criminal Court-Related Sanctions Regulations, 31 CFR part 520 (85 FR 61816, October 1, 2020) (the "Regulations"), as a final rule to implement E.O. 13928. The Regulations were issued in abbreviated form for the purpose of providing immediate guidance to the public.

On April 1, 2021, the President issued E.O. 14022, "Termination of Emergency With Respect to the International Criminal Court" (86 FR 17895, April 7, 2021). In E.O. 14022, the President found that, although the United States continues to object to the ICC's assertions of jurisdiction over personnel of such non-States Parties as the United States and its allies absent their consent or referral by the United Nations Security Council, the threat and imposition of financial sanctions against the ICC, its personnel, and those who assist it are not an effective or appropriate strategy for addressing the United States' concerns with the ICC. Accordingly, the President terminated the national emergency declared in E.O. 13928 and revoked that order.

As a result, OFAC is removing the Regulations from the Code of Federal Regulations. Pursuant to section 202(a) of the National Emergencies Act (50 U.S.C. 1622(a)) and section 2 of E.O. 14022, termination of the national emergency declared in E.O. 13928 shall not affect any action taken or proceeding pending not finally concluded or determined as of April 1, 2021 (the date of E.O. 14022), any action or proceeding based on any act committed prior to the date of E.O. 14022, or any rights or duties that matured or penalties that were incurred prior to the date of E.O. 14022.

Public Participation

Because the Regulations involve a foreign affairs function, the provisions of E.O. 12866 of September 30, 1993, "Regulatory Planning and Review" (58 FR 51735, October 4, 1993), and the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date are inapplicable. Because no notice of

proposed rulemaking is required for this rule, the Regulatory Flexibility Act (5 U.S.C. 601-612) does not apply.

Paperwork Reduction Act

The Paperwork Reduction Act does not apply because this rule does not impose information collection requirements that would require the approval of the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

List of Subjects in 31 CFR Part 520

Administrative practice and procedure, Banks, Banking, Blocking of assets, International criminal court, Penalties, Reporting and recordkeeping requirements, Sanctions.

PART 520—[REMOVED]

■ For the reasons set forth in the preamble, and pursuant to 50 U.S.C. 1601-1651 and E.O. 14022 (86 FR 17895, April 7, 2021), OFAC amends 31 CFR chapter V by removing part 520.

Dated: June 30, 2021.

Bradley T. Smith,*Acting Director, Office of Foreign Assets Control.*

[FR Doc. 2021-14337 Filed 7-2-21; 8:45 am]

BILLING CODE 4810-AL-P

DEPARTMENT OF HOMELAND SECURITY**Coast Guard****33 CFR Part 100**

[Docket Number USCG-2021-0266]

RIN 1625-AA08

Special Local Regulation; Back River, Baltimore County, MD**AGENCY:** Coast Guard, DHS.**ACTION:** Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary special local regulation for certain waters of Back River. This action is necessary to provide for the safety of life on these navigable waters located in Baltimore County, MD, during a high-speed power boat event on July 10, 2021, and July 11, 2021. This regulation prohibits persons and vessels from entering the regulated area unless authorized by the Captain of the Port Maryland-National Capital Region or the Coast Guard Event Patrol Commander.

DATES: This rule is effective from 9 a.m. on July 10, 2021, through 6 p.m. on July 11, 2021.

ADDRESSES: To view documents mentioned in this preamble as being

available in the docket, go to <https://www.regulations.gov>, type USCG–2021–0266 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 Mr. Ron Houck, U.S. Coast Guard Sector Maryland-National Capital Region; telephone 410–576–2674, email D05-DG-SectorMD-NCR-MarineEvents@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
 COTP Captain of the Port
 DHS Department of Homeland Security
 FR Federal Register
 NPRM Notice of proposed rulemaking
 PATCOM Patrol Commander
 § Section
 U.S.C. United States Code

II. Background Information and Regulatory History

On April 16, 2021, the Chesapeake Bay Power Boat Association of Edgewater, MD, notified the Coast Guard that from 10 a.m. to 5 p.m. on July 10, 2021, and from 10 a.m. to 5 p.m. on July 11, 2021, it will be conducting the 1st Annual Shootout on the River 2021 on Back River, between Lynch Point to the south and Walnut Point to the north, in Baltimore County, MD. In response, on May 25, 2021, the Coast Guard published a notice of proposed rulemaking (NPRM) titled “Special Local Regulation; Back River, Baltimore County, MD” (86 FR 28049). There we stated why we issued the NPRM, and invited comments on our proposed regulatory action related to this high-speed power boat competition. During the comment period that ended June 9, 2021, we received no comments.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Due to the date of the event, it would be impracticable to make the regulation effective 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be impracticable and contrary to public interest because it would delay the safety measures necessary to respond to potential safety hazards associated with this marine event. Immediate action is needed to protect participants, spectators, and other persons and vessels during the high-speed power boat event on these navigable waters.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70041. The Captain of the Port Maryland-National Capital Region (COTP) has determined that potential hazards associated with this July 10, 2021, and July 11, 2021 high-speed power boat event will be a safety concern for anyone intending to operate within certain waters of Back River in Baltimore County, MD. The purpose of this rule is to ensure safety of vessels and the navigable waters in the regulated area before, during, and after the scheduled event.

IV. Discussion of Comments, Changes, and the Rule

As noted above, we received no comments on our NPRM published May 25, 2021. There are no substantive changes in the regulatory text of this rule from the proposed rule in the NPRM. However, in subparagraph (c)(4), the term “race area” was changed to “course area” to conform with the remaining regulatory text.

This rule establishes special local regulations from 9 a.m. on July 10, 2021, through 6 p.m. on July 11, 2021. The regulated area will cover all navigable waters of Back River, within an area bounded by a line connecting the following points: From the shoreline at Lynch Point at latitude 39°14'46" N, longitude 076°26'23" W, thence northeast to Porter Point at latitude 39°15'13" N, longitude 076°26'11" W, thence north along the shoreline to Walnut Point at latitude 39°17'06" N, longitude 076°27'04" W, thence southwest to the shoreline at latitude 39°16'41" N, longitude 076°27'31" W, thence south along the shoreline to the point of origin, located in Baltimore County, MD. The duration of the special local regulations and size of the regulated area are intended to ensure the safety of vessels and these navigable waters before, during, and after the high-speed power boat competition, scheduled from 10 a.m. to 5 p.m. on July 10, 2021, and from 10 a.m. to 5 p.m. on July 11, 2021. The COTP and the Coast Guard Event Patrol Commander (PATCOM) will have authority to forbid and control the movement of all vessels and persons, including event participants, in the regulated area.

Except for 1st Annual Shootout on the River participants and vessels already at berth, a vessel or person will be required to get permission from the COTP or Event PATCOM before entering the regulated area. Vessel operators will be able to request permission to enter and transit through the regulated area by contacting the

Event PATCOM on VHF–FM channel 16. Vessel traffic will be able to safely transit the regulated area once the Event PATCOM deems it safe to do so. A vessel within the regulated area must operate at safe speed that minimizes wake. A person or vessel not registered with the event sponsor as a participant or assigned as official patrols will be considered a spectator. Official Patrols are any vessel assigned or approved by the Commander, Coast Guard Sector Maryland-National Capital Region with a commissioned, warrant, or petty officer on board and displaying a Coast Guard ensign. Official Patrols enforcing this regulated area can be contacted on VHF–FM channel 16 and channel 22A.

If permission is granted by the COTP or Event PATCOM, a person or vessel will be allowed to enter the regulated area or pass directly through the regulated area as instructed. Vessels will be required to operate at a safe speed that minimizes wake while within the regulated area. A spectator vessel must not loiter within the navigable channel while within the regulated area. Official patrol vessels will direct spectators to the designated spectator area. Only participant vessels and official patrol vessels will be allowed to enter the course area.

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 location, size and duration of the regulated area, which would impact a small designated area of Back River for 18 total enforcement hours. The Coast Guard will issue a Broadcast Notice to Mariners via VHF–FM marine channel 16 about the status of the regulated area. Moreover, the rule will allow vessels to seek permission to enter the regulated area, and vessel traffic would be able to safely transit the

regulated area once the Event PATCOM deems it safe to do so.

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 received no comments from the Small Business Administration on this rulemaking. 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 regulated area established by the special local regulation 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 implementation of regulations within 33 CFR part 100 applicable to organized marine events on the navigable waters of the United States that could negatively impact the safety of waterway users and shore side activities in the event area lasting for 18 total enforcement hours. It is categorically excluded from further review under paragraph L61 of Appendix A, Table 1 of DHS Instruction Manual 023–01–

001–01, Rev. 1. A Memorandum For Record for Categorically Excluded Actions 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.T05–0266 to read as follows:

§ 100.T05–0266 1st Annual Shootout on the River, Back River, Baltimore County, MD.

(a) *Locations.* All coordinates are based on datum WGS 1984.

(1) *Regulated area.* All navigable waters of Back River, within an area bounded by a line connecting the following points: From the shoreline at Lynch Point at latitude 39°14′46″ N, longitude 076°26′23″ W, thence northeast to Porter Point at latitude 39°15′13″ N, longitude 076°26′11″ W, thence north along the shoreline to Walnut Point at latitude 39°17′06″ N, longitude 076°27′04″ W, thence southwest to the shoreline at latitude 39°16′41″ N, longitude 076°27′31″ W, thence south along the shoreline to the point of origin, located in Baltimore County, MD. The course area, buffer area, and spectator area are within the regulated area.

(2) *Course area.* The course area is a polygon in shape measuring approximately 2.2 statute miles in length by 500 feet in width. The area is bounded by a line commencing at position latitude 39°16′53.5″ N, longitude 076°26′53.4″ W, thence east to latitude 39°16′54.4″ N, longitude 076°26′47.1″ W, thence south to latitude 39°15′01.1″ N, longitude 076°26′33.8″

W, thence west to latitude 39°14'59.4" N, longitude 076°26'39.4" W, thence north to the point of origin.

(3) *Buffer area.* The buffer area is a polygon in shape measuring approximately 300 feet in all directions surrounding the entire course area described in the preceding paragraph of this section. The area is bounded by a line commencing at position latitude 39°16'56.2" N, longitude 076°26'57.7" W, thence east to latitude 39°16'57.7" N, longitude 076°26'43.7" W, thence south to latitude 39°14'59.0" N, longitude 076°26'29.7" W, thence west to latitude 39°14'55.8" N, longitude 076°26'42.7" W, thence north to the point of origin.

(4) *Spectator area.* The designated spectator area is a polygon in shape measuring approximately 1,000 yards in length by 500 feet in width. The area is bounded by a line commencing at position latitude 39°16'33.7" N, longitude 076°26'40.7" W, thence east to latitude 39°16'34.5" N, longitude 076°26'34.7" W, thence south to latitude 39°16'05.0" N, longitude 076°26'31.1" W, thence west to latitude 39°16'04.4" N, longitude 076°26'37.4" W, thence north to the point of origin.

(b) *Definitions.* As used in this section—

Buffer area is a neutral area that surrounds the perimeter of the Course Area within the regulated area described by this section. The purpose of a buffer area is to minimize potential collision conflicts with marine event participants or high-speed power boats and spectator vessels or nearby transiting vessels. This area provides separation between a Course Area and a specified Spectator Area or other vessels that are operating in the vicinity of the regulated area established by the special local regulations.

Captain of the Port (COTP) Maryland-National Capital Region means the Commander, U.S. Coast Guard Sector Maryland-National Capital Region or any Coast Guard commissioned, warrant or petty officer who has been authorized by the COTP to act on his behalf.

Course area is an area described by a line bound by coordinates provided in latitude and longitude that outlines the boundary of a course area within the regulated area defined by this section.

Event Patrol Commander or Event PATCOM means a commissioned, warrant, or petty officer of the U.S. Coast Guard who has been designated by the Commander, Coast Guard Sector Maryland-National Capital Region.

Official Patrol means any vessel assigned or approved by Commander, Coast Guard Sector Maryland-National Capital Region with a commissioned,

warrant, or petty officer on board and displaying a Coast Guard ensign.

Participant means all persons and vessels registered with the event sponsor as participating in the "1st Annual Shootout on the River" speed runs event, or otherwise designated by the event sponsor as having a function tied to the event.

Spectator means a person or vessel not registered with the event sponsor as participants or assigned as official patrols.

Spectator area is an area described by a line bound by coordinates provided in latitude and longitude that outlines the boundary of a spectator area within the regulated area defined by this part.

(c) *Special local regulations.* (1) The COTP Maryland-National Capital Region or Event PATCOM may forbid and control the movement of all vessels and persons, including event participants, in the regulated area. When hailed or signaled by an official patrol, a vessel or person in the regulated area shall immediately comply with the directions given by the patrol. Failure to do so may result in the Coast Guard expelling the person or vessel from the area, issuing a citation for failure to comply, or both. The COTP Maryland-National Capital Region or Event PATCOM may terminate the event, or a participant's operations at any time the COTP Maryland-National Capital Region or Event PATCOM believes it necessary to do so for the protection of life or property.

(2) Except for participants and vessels already at berth, a person or vessel within the regulated area at the start of enforcement of this section must immediately depart the regulated area.

(3) A spectator must contact the Event PATCOM to request permission to either enter or pass through the regulated area. The Event PATCOM, and official patrol vessels enforcing this regulated area, can be contacted on marine band radio VHF-FM channel 16 (156.8 MHz) and channel 22A (157.1 MHz). If permission is granted, the spectator must enter the designated Spectator Area or pass directly through the regulated area as instructed by Event PATCOM. A vessel within the regulated area must operate at safe speed that minimizes wake. A spectator vessel must not loiter within the navigable channel while within the regulated area.

(4) Only participant vessels and official patrol vessels are allowed to enter the course area.

(5) A person or vessel that desires to transit, moor, or anchor within the regulated area must obtain authorization from the COTP Maryland-National Capital Region or Event PATCOM. A

person or vessel seeking such permission can contact the COTP Maryland-National Capital Region at telephone number 410-576-2693 or on Marine Band Radio, VHF-FM channel 16 (156.8 MHz) or the Event PATCOM on Marine Band Radio, VHF-FM channel 16 (156.8 MHz).

(6) The Coast Guard will publish a notice in the Fifth Coast Guard District Local Notice to Mariners and issue a marine information broadcast on VHF-FM marine band radio announcing specific event dates and times.

(d) *Enforcement officials.* The Coast Guard may be assisted with marine event patrol and enforcement of the regulated area by other federal, state, and local agencies.

(e) *Enforcement period.* This section will be enforced from 9 a.m. to 6 p.m. on July 10, 2021, and from 9 a.m. to 6 p.m. on July 11, 2021.

Dated: June 30, 2021.

David E. O'Connell,

Captain, U.S. Coast Guard, Captain of the Port Maryland-National Capital Region.

[FR Doc. 2021-14342 Filed 7-2-21; 8:45 am]

BILLING CODE 9110-04-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG-2021-0336]

Drawbridge Operation Regulation; Fox River, Oshkosh, WI

AGENCY: Coast Guard, DHS.

ACTION: Notice of temporary deviation from regulations; request for comments.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the Main Street Bridge, mile 55.97, the Jackson Street Bridge, mile 56.22, the Wisconsin Street Bridge, mile 56.72, the Congress Avenue Bridge, mile 58.01, all over the Fox River at Oshkosh, Wisconsin. This deviation will test the remote operations at each bridge with a drawtender in attendance to supervise each remote opening. The Coast Guard is seeking comments from the public regarding these proposed changes.

DATES: This deviation is effective from midnight on June 30, 2021, through midnight on October 7, 2021. Comments and relate material must reach the Coast Guard on or before November 1, 2021.

ADDRESSES: You may submit comments identified by docket number USCG-2021-0336 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 test deviation, call or email: Mr. Lee D. Soule, Bridge Management Specialist, Ninth Coast Guard District; telephone 216-902-6085, email Lee.D.Soule@uscg.mil.

SUPPLEMENTARY INFORMATION: This portion of the Fox River at Oshkosh flows from Lake Butte Des Mortts to Lake Winnebago, passing through five bridges. The first four bridges are highway bridges: Main Street Bridge, mile 55.97, the Jackson Street Bridge, mile 56.22, the Wisconsin Street Bridge, mile 56.72, the Congress Avenue Bridge, mile 58.01, and the fifth bridge is a single leaf bascule bridge that has been operating remotely successfully for over one year. Because of the success at the railroad bridge, we are considering allowing the other four bridges to operate remotely. During the summer, one hundred recreational vessels pass through these bridges on a daily average.

I. Background, Purpose and Legal Basis

The Main Street Bridge, mile 55.97, provides a horizontal clearance of 89 feet and a vertical clearance 11 feet in the closed position, the Jackson Street Bridge, mile 56.22, provides a horizontal clearance of 97 feet and a vertical clearance 11 feet in the closed position, the Wisconsin Street Bridge, mile 56.72, provides a horizontal clearance of 75 feet and a vertical clearance 12 feet in the closed position, and the Congress Avenue Bridge, mile 58.01, provides a horizontal clearance of 75 feet and a vertical clearance 13 feet in the closed position. All of these bridges are over the Fox River and provide an unlimited clearance in the open position, and are governed by the regulations found in 33 CFR 117.1087.

The Wisconsin Department of Transportation has requested to test the capabilities of the remote operating system with live operators in the bridges and allow the public to comment on the bridge operations before any changes are made.

This deviation will not change the operation of the bridges. The Wisconsin Department of Transportation will provide weekly bridge opening data and approximate vehicle and pedestrian crossings at the end of the test deviation. Each bridge will have the ability to communicate by visual or audio means including enough cameras

to see above and below the bridge, including night vision cameras to monitor approaching river traffic in adverse weather conditions.

The Coast Guard will also inform the users of the waterways through our Local Notice to Mariners when the comment period opens and how to leave comments.

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 this 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 when comments are posted or a final rule is published.

M.J. Johnston,

Rear Admiral, U.S. Coast Guard, Commander, Ninth Coast Guard District.

[FR Doc. 2021-14184 Filed 7-2-21; 8:45 am]

BILLING CODE 9110-04-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG-2021-0489]

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

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

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

DATES: The regulations listed in 33 CFR 165.939 as listed in Table 165.939(b)(10) will be enforced from 9:45 p.m. through 10:45 p.m. on July 9, 2021.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notice of enforcement, call or email MST2 Natalie Smith, Waterways Management Division, U.S. Coast Guard Marine Safety Unit Cleveland; telephone 216-937-6004, email D09-SMB-MSUCLEVELAND-WWM@uscg.mil.

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the Safety Zones; Annual Events in the Captain of the Port Buffalo Zone listed in 33 CFR 165.939, Table 165.939(b)(10) for the Sheffield Lake Community Days in Sheffield Lake, OH, on all U.S. waters of Lake Erie and Sheffield Lake Boat ramp within a 350 foot radius of land position 41°29'27.65" N, 082°6'47.71" W. Pursuant to 33 CFR 165.23, entry into, transiting, or anchoring within the safety zone during an enforcement period is prohibited unless authorized by the Captain of the Port Buffalo or a designated representative. Those seeking permission to enter the safety zone may request permission from the Captain of Port Buffalo via channel 16, VHF-FM. Vessels and persons granted permission to enter the safety zone shall obey the directions of the Captain of the Port Buffalo or a designated representative. While within a safety zone, all vessels shall operate at the minimum speed necessary to maintain a safe course.

This notice of enforcement is issued under authority of 33 CFR 165.939 and 5 U.S.C. 552 (a). In addition to this

notice of enforcement in the **Federal Register**, the Coast Guard will provide the maritime community with advance notification of this enforcement period via Broadcast Notice to Mariners or Local Notice to Mariners. If the Captain of the Port Buffalo determines that the safety zone need not be enforced for the full duration stated in this notice she may use a Broadcast Notice to Mariners to grant general permission to enter the respective safety zone.

Dated: June 28, 2021.

Lexia M. Littlejohn,

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

[FR Doc. 2021-14295 Filed 7-2-21; 8:45 am]

BILLING CODE 9110-04-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R08-OAR-2020-0646; FRL-10025-28-Region 8]

Approval and Promulgation of Implementation Plans; Utah; 2017 Base Year Inventories for the 2015 8-Hour Ozone National Ambient Air Quality Standard for the Uinta Basin, Northern Wasatch Front and Southern Wasatch Front Nonattainment Areas

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a state implementation plan (SIP) revision submitted by the State of Utah. The revision fulfills the base year inventory requirement for the 2015 8-hour ozone national ambient air quality standard (NAAQS) for the Uinta Basin, Northern Wasatch Front, and Southern Wasatch Front nonattainment areas (NAAs). Utah submitted the base year emissions inventories to meet, in part, the nonattainment requirements for Marginal ozone NAAs under the 2015 8-hour ozone NAAQS. EPA is taking this action pursuant to sections 110, 172, and 182 of the Clean Air Act (CAA).

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

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA-R08-OAR-2020-0646. All documents in the docket are listed on the <http://www.regulations.gov> website. Although listed in the index, some information is not publicly available, e.g., confidential business information (CBI) or other information whose disclosure is restricted by statute.

Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through <http://www.regulations.gov>, or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

FOR FURTHER INFORMATION CONTACT:

Matthew Lang, Air and Radiation Division, EPA, Region 8, Mailcode 8ARD-IO, 1595 Wynkoop Street, Denver, Colorado, 80202-1129, telephone number: (303) 312-6709, email address: lang.matthew@epa.gov.

SUPPLEMENTARY INFORMATION:

Throughout this document “we,” “us,” and “our” means the EPA.

I. Background

The background for this action is discussed in detail in our April 1, 2021 proposal.¹ We proposed to approve the 2017 base year inventories for the 2015 8-hour ozone NAAQS for the Uinta Basin, Northern Wasatch Front, and Southern Wasatch Front Marginal NAAs because the State prepared the inventories in accordance with the requirements in sections 172(c)(3) and 182(a)(1)² of the CAA and its implementing regulations, including those at 40 CFR 51.1315. EPA is finalizing its proposed approval of Utah’s 2017 base year inventories for the 2015 8-hour ozone NAAQS for the Uinta Basin, Northern Wasatch Front, and Southern Wasatch Front Marginal NAAs. With this final rulemaking Utah will have met one of three requirements stemming from the Marginal nonattainment designation of the Uinta Basin, Northern Wasatch Front, and Southern Wasatch Front areas.

II. Response to Comments

EPA held a 30-day comment period on the proposed rulemaking beginning on April 1, 2021 and closing on May 3, 2021. We received one supportive comment letter from the Utah Petroleum Association (UPA), which focused on the Uinta Basin NAA. Our response to UPA’s comment letter is below.

Comment summary: UPA states that it supports EPA’s approval of the base year inventory, specifically supports the choice of 2017 as the base year, and supports use of an emissions inventory from a National Emissions Inventory

year. UPA also commends the Utah Division of Air Quality for its decision to include a separate oil and gas source category in the base year, which UPA says improves transparency of critical information needed to understand ozone formation in the Uinta Basin.

UPA also raises two areas of concern: (1) The lack of an opportunity to comment on the base year inventory for tribal lands within the Uinta Basin NAA; and (2) the need to be able to adjust the base year inventory based on evolving research and calculation methods. UPA explains that Utah’s base year inventory includes only State-controlled lands, but tribal lands in the Uinta Basin include significant emissions sources, and UPA is not aware of any opportunity to comment on a base year inventory for the tribal lands. Further, UPA states that studies relevant to the emissions inventory are ongoing and recommends that EPA allow updates to the base year inventory to account for this evolving research. In particular, UPA states that such an update is important for determining the adequacy of future Reasonable Further Progress (RFP) emission reductions as well as for photochemical modeling.

Response: We thank UPA for the supportive comment letter and we agree with UPA that Utah’s SIP revision included the appropriate base year and was otherwise based on the most current and accurate information available to the State at the time the inventories were developed. With respect to UPA’s concern regarding a lack of opportunity to comment on an inventory for sources on tribal land, we note that an inventory of emissions from Indian country sources is outside of the scope of this rulemaking. As explained in EPA’s proposed rule, and repeated above, EPA is approving Utah’s SIP submission because the base year inventories therein accord with the requirements in sections 172(c)(3) and 182(a)(1) of the CAA and its implementing regulations, including those at 40 CFR 51.1315.

Similarly, we thank UPA for informing us of ongoing studies related to emissions in the Uinta Basin NAA. The inventories submitted by the State of Utah were based on the most current and accurate information available to the State at the time that the inventories were developed. If, at any point in the future, Utah believes that a revision to the base year inventory is necessary, EPA is open to discussing that issue with the State.³ At this time, however,

¹ Approval and Promulgation of Implementation Plans; Utah; 2017 Base Year Inventories for the 2015 8-hour Ozone National Ambient Air Quality Standard for the Uinta Basin, Northern Wasatch Front and Southern Wasatch Front Nonattainment Areas, 86 FR 17106 (April 1, 2021).

² 42 U.S.C. 7502(c)(3), 7511a(a)(1).

³ EPA generally acknowledges that in certain circumstances, updating an already-approved base year inventory may be appropriate. *Emissions*

EPA cannot determine whether any future updates to the current base year inventory would be necessary or appropriate, and such a determination is outside the scope of this rulemaking. We also note that, regardless of any possible update to the base year inventory, Utah is required to submit revised inventories every three years under section 182(a)(3)(A) of the CAA until the area is redesignated to attainment.⁴

III. Final Action

EPA is finalizing approval of Utah's 2017 base year inventories for the 2015 8-hour ozone NAAQS for the Uinta Basin, Northern Wasatch Front, and Southern Wasatch Front Marginal NAAs because the State prepared the inventories in accordance with the requirements in sections 172(c)(3) and 182(a)(1) of the CAA and its implementing regulations, including those at 40 CFR 51.1315.

IV. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a "significant regulatory action" subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Does not impose an information collection burden under the provisions

Inventory Guidance for Implementation of Ozone and Particulate Matter National Ambient Air Quality Standards (NAAQS) and Regional Haze Regulations, May 2017, 42 ("In the event that updated [Rate of Progress/Reasonable Further Progress] plan(s) are needed after initial submittal to meet the requirements of the Ozone Implementation Rule, the [Rate of Progress/Reasonable Further Progress] baseline NAA inventory may also need to be updated.")

⁴ 42 U.S.C. 7511a(a)(3)(A).

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, described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United

States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by September 7, 2021. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Greenhouse gases, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: June 25, 2021.

Debra H. Thomas,

Acting Regional Administrator, Region 8.

For the reasons set forth above, 40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart TT—Utah

- 2. In § 52.2320, the table in paragraph (e) is amended by adding an undesignated center heading and the entry "Ozone (8-hour, 2015) Uinta Basin, Northern Wasatch Front and Southern Wasatch Front 2017 Base Year Inventories" at the end of the table to read as follows:

§ 52.2320 Identification of plan.

* * * * *

(e) * * *

Rule title	State effective date	Final rule citation, date	Comments
*	*	*	*
Summary of Criteria Pollutant Attainment Plans			
Ozone (8-hour, 2015) Uinta Basin, Northern Wasatch Front and Southern Wasatch Front 2017 Base Year Inventories.	7/29/2020	7/6/2021, [insert Federal Register citation].	

[FR Doc. 2021-14195 Filed 7-2-21; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[EPA-R08-OAR-2021-0187; FRL-10024-23-Region 8]

Approval and Promulgation of State Plans for Designated Facilities and Pollutants; North Dakota; Control of Emissions From Existing Municipal Solid Waste Landfills; Control of Emissions From Existing Commercial and Industrial Solid Waste Incineration Units; Negative Declaration of Existing Hospital/Medical/Infectious Waste Incineration Units

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a Clean Air Act (CAA) or the “Act”) section 111(d) state plan submitted by the North Dakota Department of Environmental Quality (NDDEQ or the “Department”) on July 28, 2020 for the control of air pollutants from existing municipal solid waste (MSW) landfills. The EPA is also approving a CAA section 111(d)/129 state plan submitted by the Department on the same date for the control of air pollutants from existing commercial and industrial solid waste incineration (CISWI) units and air curtain incinerator (ACI) units. The North Dakota state plans establish performance standards and operating requirements for existing MSW landfills, CISWI units and ACI units within the State of North Dakota and provide for the implementation and enforcement of those standards and requirements by the Department. Finally, the EPA is also approving withdrawal of the North Dakota CAA section 111(d)/129 state plan for the control of air pollutants from existing hospital/medical/infectious waste incineration (HMIWI) units. The EPA is approving this plan withdrawal

following North Dakota’s May 8, 2019 submittal of a negative declaration of existing HMIWI units in the State of North Dakota, and will be promulgating the State’s negative declaration in lieu of a CAA section 111(d)/129 state plan for HMIWI units. The EPA is taking these actions pursuant to requirements of the CAA.

DATES: This rule is effective on August 5, 2021. The incorporation by reference of certain publications listed in the rule is approved by the Director of the Federal Register as of August 5, 2021.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA-R08-OAR-2021-0187. All documents in the docket are listed on the <http://www.regulations.gov> website. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through <http://www.regulations.gov>, or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

FOR FURTHER INFORMATION CONTACT: Gregory Lohrke, Air and Radiation Division, EPA, Region 8, Mailcode 8ARD-TRM, 1595 Wynkoop Street, Denver, Colorado 80202-1129, telephone number: (303) 312-6396, email address: lohrke.gregory@epa.gov.

SUPPLEMENTARY INFORMATION: Throughout this document “we,” “us,” and “our” means the EPA.

I. Background

The background for this action is discussed in detail in our March 26, 2021 proposed rule (86 FR 16173). In that document we proposed to approve the North Dakota CAA section 111(d) state plan for existing MSW landfills and the North Dakota CAA section 111(d)/129 state plan for existing CISWI units as the plans were submitted by the NDDEQ on July 28, 2020. That

document also proposed approval of the North Dakota withdrawal of a previously approved CAA section 111(d)/129 state plan for existing HMIWI units and publication of the State’s negative declaration of existing HMIWI units in lieu of a state plan. The EPA’s analysis of the two North Dakota state plans and the negative declaration of designated sources may be found in the aforementioned proposed rule and the technical support document (TSD) associated with the docket for today’s action. Comments on the EPA’s proposed approvals of the state plans for existing CISWI units and MSW landfills and approval of the negative declaration in lieu of a state plan for existing HMIWI units were due on or before April 26, 2021. We received no comments on our proposed actions. Therefore, the EPA will proceed with these plan approvals without changes.

II. Final Action

The EPA is finalizing approval of the North Dakota section 111(d) state plan for existing MSW landfills pursuant to 40 CFR part 60, subparts B and Cf. We are also finalizing approval of the North Dakota section 111(d)/129 state plan for existing CISWI units pursuant to 40 CFR part 60, subparts B and DDDD. Finally, we are finalizing approval of the State’s negative declaration of existing HMIWI units in lieu of a state plan for such units as designated by 40 CFR part 60, subpart Ce. Therefore, the EPA is amending 40 CFR part 62, subpart Jj to reflect this approval action. This approval is based on the rationale provided in section II of the proposed rule for this action (86 FR 16173) and discussed in detail in the TSD associated with this rulemaking action.¹ The scope of this approval is limited to the provisions of 40 CFR parts 60 and 62. The EPA’s proposed approval of the two North Dakota plans is limited to those MSW landfills that meet the criteria established in 40 CFR part 60, subparts Cf and those CISWI units and ACI units that meet the criteria

¹ EPA Document ID No. EPA-R08-OAR-2021-0187-0002, available at www.regulations.gov.

established in 40 CFR part 60, subpart DDDD.

The EPA Administrator continues to retain authority for approval of alternative methods to determine the nonmethane organic compound concentration or a site-specific methane generation rate constant (k), as stipulated in 40 CFR 60.30f(c). The EPA Administrator also retains those authorities related to designated CISWI and ACI units that will not be delegated to state, local or tribal authorities as listed in 40 CFR 60.2542.

III. Incorporation by Reference

In accordance with the requirements of 1 CFR 51.5, we are finalizing regulatory text that includes the incorporation by reference of subparts Cf and DDDD of chapter 33.1–15–12, section 2 of the North Dakota Administrative Code (NDAC) as effective on July 1, 2020. Subparts Cf and DDDD are part of the North Dakota CAA section 111(d) state plan applicable to existing MSW landfills and the section 111(d)/129 state plan for existing CISWI units, respectively. The regulatory provisions of these sections of the NDAC incorporate the required 111(d) and 111(d)/129 state plan elements required by the emission guidelines (EG) for existing MSW landfills and CISWI units promulgated at 40 CFR part 60, subparts Cf and DDDD. The incorporations establish emission standards and compliance times for the control of air pollutants from certain MSW landfills that commenced construction, modification, or reconstruction on or before July 17, 2014 and designated CISWI and ACI units that commenced construction on or before June 4, 2010 or commenced modification or reconstruction no later than August 7, 2013. The emissions standards and compliance times established within these NDAC sections and the North Dakota state plans are at least as stringent as those required by the EG for existing MSW landfills and CISWI units. The EPA has made, and will continue to make, NDAC section 33.1–15–12–02 (as well as the North Dakota state plan documents for existing MSW landfills and CISWI units) generally available electronically through www.regulations.gov, Docket No. EPA–R08–OAR–2021–0187 and in hard copy at the EPA Region 8 office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information). This incorporation by reference has been approved by the Office of the Federal Register and the Plans are federally enforceable under

the CAA as of the effective date of this final rulemaking.

IV. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve section 111(d) state plan submissions that comply with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7411(d); 40 CFR part 60, subparts B, Cf and DDDD; and 40 CFR part 62, subpart A. Thus, in reviewing CAA section 111(d) state plan submissions, the EPA's role is to approve state choices, provided that they meet the criteria of the Act and implementing regulations. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a “significant regulatory action” subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because this action is not significant under Executive Order 12866;
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using

practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, the CAA section 111(d) Plans are not approved to apply in Indian country, as defined at 18 U.S.C. 1151, located in the state. As such, this rule does not have tribal implications, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), and it will not impose substantial direct costs on tribal governments or preempt tribal law.

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by September 7, 2021. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 62

Environmental protection, Administrative practice and procedure, Air pollution control, Commercial and industrial solid waste incineration, Hospital medical and infectious waste incineration, Incorporation by reference, Intergovernmental relations, Methane, Municipal solid waste landfill, Reporting and recordkeeping requirements.

Dated: June 28, 2021.

Debra H. Thomas,

Acting Regional Administrator, Region 8.

40 CFR part 62 is amended as follows:

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

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

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

Subpart JJ—North Dakota

■ 2. Revise §§ 62.8600, 62.8601, and 62.8602 to read as follows:

§ 62.8600 Identification of plan.

Section 111(d) State Plan for Municipal Solid Waste Landfills and the associated State regulations contained in the North Dakota Administrative Code (NDAC) at 33.1–15–12–02, subpart Cf (incorporated by reference, see § 62.8700), submitted by the State on July 28, 2020.

§ 62.8601 Identification of sources.

The plan applies to all existing municipal solid waste landfills under the jurisdiction of the North Dakota Department of Environmental Quality for which construction, reconstruction, or modification was commenced on or before July 17, 2014, and are subject to the requirements of 40 CFR part 60, subpart Cf.

§ 62.8602 Effective date.

The effective date of the plan for existing municipal solid waste landfills is August 5, 2021.

■ 3. Revise § 62.8610 to read as follows:

§ 62.8610 Identification of plan—negative declaration.

The State of North Dakota submitted a letter on May 8, 2019 certifying that there are no designated facilities subject to the emission guidelines for existing hospital medical infectious waste incinerators under 40 CFR part 60,

subpart Ce operating within the State's jurisdiction.

§§ 62.8611 and 62.8612 [Removed]

■ 4. Remove §§ 62.8611 and 62.8612.

■ 5. Revise §§ 62.8630, 62.8631, and 62.8632 to read as follows:

§ 62.8630 Identification of plan.

Amended section 111(d)/129 State Plan for Commercial and Industrial Solid Waste Incineration Units and the associated State regulations contained in the North Dakota Administrative Code (NDAC) at 33.1–15–12–02, subpart DDDD (incorporated by reference, see § 62.8700), submitted by the State on July 28, 2020.

§ 62.8631 Identification of sources.

The plan applies to all existing commercial and industrial solid waste incineration units and air curtain incinerators under the jurisdiction of the North Dakota Department of Environmental Quality for which construction commenced on or before June 4, 2010, or for which modification or reconstruction commenced on or later than August 7, 2013, and are subject to the requirements of 40 CFR part 60, subpart DDDD.

§ 62.8632 Effective date.

The effective date of the plan for existing commercial and industrial solid waste incineration units is August 5, 2021.

■ 6. Add an undesignated center heading and § 62.8700 to read as follows:

Incorporation by Reference

§ 62.8700 Incorporation by reference.

(a) The material incorporated by reference in this subpart was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and

1 CFR part 51. The material may be inspected or obtained from the EPA Region 8 office, 1595 Wynkoop Street, Denver, CO 80202–1129, 303–312–6312 or from the other sources listed in this section. It may also be inspected 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: www.archives.gov/federal-register/cfr/ibr-locations.html.

(b) State of North Dakota, Legislative Council, 600 E Boulevard Ave., Bismarck, ND 58505–0360, (701) 328–2916, <https://legis.nd.gov/agency-rules/north-dakota-administrative-code>; North Dakota Administrative Code (NDAC).

(1) NDAC 33.1–15–12–02, subpart Cf., Title 33.1 North Dakota Department of Environmental Quality, Article 33.1–15 Air Pollution Control, Chapter 33.1–15–12—Standards of Performance for New Stationary Sources, Section 33.1–15–12–02 Standards of performance, Subpart Cf—Emission guidelines and compliance times for municipal solid waste landfills, effective July 1, 2020; IBR approved for § 62.8600.

(2) NDAC 33.1–15–12–02, subpart DDDD. Title 33.1 North Dakota Department of Environmental Quality, Article 33.1–15 Air Pollution Control, Chapter 33.1–15–12—Standards of Performance for New Stationary Sources, Section 33.1–15–12–02 Standards of performance, Subpart DDDD—Emission guidelines and compliance times commercial and industrial solid waste incineration units, effective July 1, 2020; IBR approved for § 62.8630.

[FR Doc. 2021–14198 Filed 7–2–21; 8:45 am]

BILLING CODE 6560–50–P

Proposed Rules

Federal Register

Vol. 86, No. 126

Tuesday, July 6, 2021

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 986

[Doc. No. AMS-SC-20-0081; SC20-986-2 CR]

Pecans Grown in the States of Alabama, Arkansas, Arizona, California, Florida, Georgia, Kansas, Louisiana, Missouri, Mississippi, North Carolina, New Mexico, Oklahoma, South Carolina, and Texas; Continuance Referendum; Reopening of Voting Period

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Referendum order; amendment to referendum order.

SUMMARY: This document reopens the voting period for the referendum being conducted among eligible growers of pecans grown in the states of Alabama, Arkansas, Arizona, California, Florida, Georgia, Kansas, Louisiana, Missouri, Mississippi, North Carolina, New Mexico, Oklahoma, South Carolina, and Texas to determine whether they favor continuance of the marketing order regulating the handling of pecans produced in the production area. The voting period has been reopened for an additional 25 days from June 29, 2021, to July 23, 2021.

DATES: The voting period for the referendum will be reopened from June 29 through July 23, 2021. Only current pecan growers within the production area that produced a minimum average of 50,000 pounds of inshell pecans over the four years from October 1, 2016, to September 30, 2020, or own a minimum of 30 pecan acres are eligible to vote in this referendum.

ADDRESSES: Copies of the marketing order may be obtained from the Southeast Marketing Field Office, Marketing Order and Agreement Division, Specialty Crops Program, AMS, USDA, 1124 First Street South, Winter Haven, FL 33880; Telephone:

(863) 324-3375; or from the Marketing Order and Agreement Division, Specialty Crops Program, AMS, USDA, 1400 Independence Avenue SW, Stop 0237, Washington, DC 20250-0237; Telephone: (202) 720-2491; or on the internet: <https://www.ecfr.gov/cgi-bin/text-idx?SID=cf046522bce89ba62d75961df4db8b6d&mc=true&node=pt7.8.986&rgn=div5>.

FOR FURTHER INFORMATION CONTACT: Abigail Campos, Marketing Specialist, or Christian D. Nissen, Regional Director, Southeast Marketing Field Office, Marketing Order and Agreement Division, Specialty Crops Program, AMS, USDA, 1124 First Street South, Winter Haven, FL 33880; Telephone: (863) 324-3375, Fax: (863) 291-8614, or Email: Abigail.Campos@usda.gov or Christian.Nissen@usda.gov.

SUPPLEMENTARY INFORMATION: Pursuant to Marketing Agreement and Order No. 986, as amended (7 CFR part 986), hereinafter referred to as the "Order," and the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), hereinafter referred to as the "Act," it is hereby directed that a referendum be conducted to ascertain whether continuance of the Order is favored by growers.

A referendum order was published in the **Federal Register** on April 13, 2021 (86 FR 19152). The referendum order specified that the voting period would be from June 7, 2021, through June 28, 2021. USDA has received requests from industry members to extend the voting period as not all eligible growers had received ballots and needed additional time to request one prior to the end of the voting period. Therefore, to facilitate full grower participation in the referendum, USDA is reopening the voting period from June 29 through July 23, 2021. During this time, USDA will continue to mail ballots to eligible voters who request a ballot. All ballots received during the previous voting period and the reopened voting period will be accepted. Voters who have already submitted a ballot need to take no further action.

To be eligible to participate in the continuance referendum, a grower must have produced a minimum average of 50,000 pounds of inshell pecans during the four-year period from October 1, 2016, to September 30, 2020 or must own a minimum of 30 pecan acres.

USDA has determined continuance referenda are an effective means for determining whether growers favor the continuation of marketing order programs. The Order will continue in effect if two-thirds of the growers that cast votes, or growers representing two-thirds of the volume of pecans voted in the referendum, cast ballots in favor of continuance. In evaluating the merits of continuance versus termination, USDA will determine whether continued operation of the Order would tend to effectuate the declared policy of the Act.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the ballots used in the referendum have been approved by the Office of Management and Budget (OMB) and have been assigned OMB No. 0581-0291, Federal Marketing Order for Pecans. It has been estimated it will take an average of 20 minutes for each of the approximately 4,270 growers of pecans to cast a ballot. Participation is voluntary. Ballots postmarked after July 23, 2021, will not be included in the vote tabulation.

Abigail Campos, Dolores Lowenstine, and Christian D. Nissen of the Southeast Marketing Field Office, Specialty Crops Program, AMS, USDA, are hereby designated as the referendum agents for the Secretary of Agriculture to conduct this referendum. The procedure applicable to the referendum shall be the "Procedure for the Conduct of Referenda in Connection with Marketing Orders for Fruits, Vegetables, and Nuts Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended" (7 CFR 900.400 *et seq.*).

Ballots may be obtained from the referendum agents or their appointees at the previously mentioned contact information.

List of Subjects in 7 CFR Part 986

Marketing agreements, Pecans, Reporting and recordkeeping requirements.

Authority: 7 U.S.C. 601-674.

Erin Morris,
Associate Administrator, Agricultural Marketing Service.

[FR Doc. 2021-14280 Filed 7-2-21; 8:45 am]

BILLING CODE P

DEPARTMENT OF HOMELAND SECURITY

U.S. Immigration and Customs Enforcement

8 CFR Parts 214, 248 and 274a.12

[DHS Docket No. ICEB–2019–0006]

RIN 1653–AA78

Establishing a Fixed Time Period of Admission and an Extension of Stay Procedure for Nonimmigrant Academic Students, Exchange Visitors, and Representatives of Foreign Information Media

AGENCY: U.S. Immigration and Customs Enforcement, DHS.

ACTION: Notice of proposed rulemaking; withdrawal.

SUMMARY: The U.S. Department of Homeland Security (DHS) is withdrawing a notice of proposed rulemaking (NPRM) that published on September 25, 2020. The NPRM proposed to revise DHS regulations governing the length of stay for F, J, and certain I nonimmigrants.

DATES: DHS withdraws the NPRM at 85 FR 60526 as of July 6, 2021.

ADDRESSES: The docket for this withdrawn proposed rule is available at <http://www.regulations.gov>. Please search for docket number ICEB–2019–0006.

FOR FURTHER INFORMATION CONTACT: Sharon Hageman, Regulations Unit Chief, Office of Policy and Planning, U.S. Immigration and Customs Enforcement, Department of Homeland Security, 500 12th Street SW, Washington, DC 20536. Telephone 202–732–6960 (not a toll-free number).

SUPPLEMENTARY INFORMATION: On September 25, 2020, DHS published an NPRM titled, “Establishing a Fixed Time Period of Admission and an Extension of Stay Procedure for Nonimmigrant Academic Students, Exchange Visitors, and Representatives of Foreign Information Media” (85 FR 60526). The NPRM proposed to eliminate the duration of status admission period for F, J and certain I nonimmigrants and replace it with a fixed time period. Nonimmigrants seeking to remain in the United States beyond their fixed period of admission would have been required to apply for an extension of stay directly with U.S. Citizenship and Immigration Services or to depart the country and apply for admission with U.S. Customs and Border Protection at a port of entry.

In response to the NPRM, DHS received more than 32,000 comments

during the 30-day public comment period. More than 99 percent of commenters opposed the proposed rule with many commenters specifically requesting that DHS withdraw the NPRM.¹ Less than 1 percent expressed support for the proposed rule with such commenters generally supporting the proposed rule because they believed it would deter illegal immigration, protect U.S. workers, and stop espionage. The commenters who opposed the NPRM argued that it discriminates against certain groups of people based on their nationality. They also argued that it would significantly burden the foreign students, exchange scholars, foreign media representatives, and U.S. employers by requiring extension of stays in order to continue with their programs of study or work. Commenters additionally noted the proposed rule would impose exorbitant costs and burdens on foreign students, scholars, and media representatives due to the direct cost of the extension of stay application fee, as well as the lost opportunity cost of not being able to begin their work on time if the extension were not adjudicated by the government in a timely fashion. Commenters argued U.S. employers would be similarly burdened by the proposed changes because many noncitizens may not be able to apply for an extension of stay or have it approved in a timely fashion, thereby delaying the possible start dates of employees and/or cause them to lose potential job candidates. Finally, commenters suggested that the breadth of the changes in the proposed rule are more than what is necessary to protect the integrity of nonimmigrant programs.

On February 2, 2021, President Biden issued Executive Order 14012, “Restoring Faith in Our Legal Immigration Systems and Strengthening Integration and Inclusion Efforts for New Americans.” Section 3(a)(i), instructs the Secretary of Homeland Security to identify barriers that impede access to immigration benefits. 86 FR 8277, (Feb. 5, 2021). (“E.O. 14012”). Having reviewed the public comments received in response to the NPRM in light of Executive Order 14012, DHS believes some of the comments may be justified and is concerned that the changes proposed unnecessarily impede access to immigration benefits. DHS still supports the goals of the NPRM to protect the integrity of programs that admit nonimmigrants in the F, J, and I

¹ Comments may be viewed at the Federal Docket Management System (FDMS) at <http://www.regulations.gov>, docket number USCIS–2019–0006.

classifications but not in a way that conflicts with Executive Order 14012. Accordingly, we are withdrawing the NPRM and will analyze the entirety of the NPRM in the context of the directive in E.O. 14012 to determine what changes may be appropriate and consistent with DHS’s needs, policies, and applicable law. As such, DHS may engage in a future rulemaking to protect the integrity of programs that admit nonimmigrants in the F, J, and I classifications in a manner consistent with Executive Order 14012.

Authority: As stated in the NPRM, DHS has general and specific statutory authority to regulate the admission of nonimmigrants. 8 U.S.C. 1103, 1184(a); 85 FR 60526. DHS is withdrawing the NPRM using those same authorities.

Alejandro N. Mayorkas,
Secretary, U.S. Department of Homeland Security.

[FR Doc. 2021–13929 Filed 7–2–21; 8:45 am]

BILLING CODE 9111–28–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0539; Project Identifier 2018–SW–048–AD]

RIN 2120–AA64

Airworthiness Directives; Bell Textron Canada Limited 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 Bell Textron Canada Limited (Bell) Model 206, 206A, 206A–1 (OH–58A), 206B, 206B–1, 206L, 206L–1, 206L–3, 206L–4, 222, 222B, 222U, 230, 407, 427, 429, and 430 helicopters. This proposed AD would require removing each shoulder harness seat belt comfort clip (comfort clip) from service, inspecting the shoulder harness seat belt for any rip or abrasion, and removing any shoulder harness seat belt from service that has a rip or abrasion. This proposed AD would also prohibit installing any comfort clip on any helicopter. This proposed AD was prompted by a report of a comfort clip interfering with the seat belt inertia reel. The actions of this proposed AD are intended to address an unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by August 20, 2021.

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

- *Federal eRulemaking Docket:* Go to <https://www.regulations.gov>. Follow the online instructions for sending your comments electronically.

- *Fax:* (202) 493-2251.

- *Mail:* Send comments to the U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590-0001.

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

For service information identified in this proposed rule, contact Bell Textron Canada Limited, 12,800 Rue de l’Avenir, Mirabel, Quebec J7J1R4; 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 on the internet at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2021-0539; 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 Transport Canada AD, any comments received, and other information. The street address for Docket Operations is listed above.

FOR FURTHER INFORMATION CONTACT:

Steven Warwick, Aerospace Engineer, Certification Section, Fort Worth ACO Branch, Compliance & Airworthiness Division, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone (817) 222-5225; email Steven.R.Warwick@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-2021-0539; Project Identifier 2018-SW-048-AD” at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider

all comments received by the closing date and may amend this proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as “PROPIN.” The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Steven Warwick, Aerospace Engineer, Certification Section, Fort Worth ACO Branch, Compliance & Airworthiness Division, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone (817) 222-5225; email Steven.R.Warwick@faa.gov. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

Transport Canada, which is the aviation authority for Canada, has issued Canadian AD CF-2018-16, dated June 14, 2018 (Transport Canada AD CF-2018-16), to correct an unsafe condition for all serial-numbered Bell Model 206, 206A, 206A-1, 206B, 206B-1, 206L, 206L-1, 206L-3, 206L-4, 222, 222B, 222U, 230, 407, 427, 429 and 430 helicopters. Transport Canada advises that Bell delivered comfort clips with some helicopters, and that these comfort clips, which were also sold as spare parts or accessories, were intended to improve occupant comfort by reducing shoulder harness tension. However, Transport Canada advises the comfort clip may interfere with the shoulder harness inertia reel, preventing the harness from locking and resulting in

injury to the occupant during an emergency landing. To prevent this unsafe condition, Transport Canada AD CF-2018-16 requires, within 25 hours air time or 10 days, whichever occurs first, determining if the comfort clips are installed. If the comfort clips are installed, Transport Canada AD CF-2018-16 requires removing them from service within 100 hours air time or 30 days, whichever occurs first, and inspecting each shoulder harness seat belt for damage and replacing any shoulder harness seat belt that has damage that exceeds allowable limits before further flight. Transport Canada AD CF-2018-16 also prohibits the installation of any comfort clip on any helicopter.

FAA’s Determination

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, its technical representative, has notified the FAA of the unsafe condition described in its AD. The FAA is proposing this AD after evaluating all known relevant information and determining that an unsafe condition is likely to exist or develop on other helicopters of the same type designs.

Related Service Information

The FAA reviewed the following Bell Helicopter Alert Service Bulletins (ASBs), each dated January 11, 2016:

- ASB 222-15-112 for Bell Model 222, 222B, and 222U helicopters with serial numbers (S/N) 47006 through 47089, 47131 through 47156, and 47501 through 47574 (ASB 222-15-112);
- ASB 230-15-46 for Bell Model 230 helicopters with S/N 23001 through 23038;
- ASB 407-15-111 for Model 407 helicopters with S/N 53000 through 53900, 53911 through 54166, and 54300 through 54599;
- ASB 427-15-39 for Model 427 helicopters with S/N 56001 through 56084, 58001 and 58002 (ASB 427-15-39);
- ASB 429-15-27 for Model 429 helicopters with S/N 57001 through 57259 (ASB 429-15-27); and
- ASB 430-15-56 for Model 430 helicopters with S/N 49001 through 49129.

The FAA also reviewed the following Bell Helicopter ASBs, both Revision A and both dated February 5, 2016:

- ASB 206-15-133 for Model 206A/B and TH-67 helicopters with S/N 4 through 4690 and 5101 through 5313 (ASB 206-15-133); and

• ASB 206L-15-175 for Model 206L, 206L-1, 206L-3, and 206L-4 helicopters with S/N 45001 through 45153, 46601 through 46617, 45154 through 45790, 51001 through 51612, and 52001 through 52455 (ASB 206L-15-175).

All of the ASBs specify removing all variants of comfort clips from all seat belt assemblies. ASB 222-15-112, ASB 427-15-39, and ASB 429-15-27 also specify that although the helicopter models to which these ASBs apply were not affected by the original design at the time of certification and delivery of the helicopter, the affected parts may have been installed post-delivery to end owners/operators of those helicopters.

ASB 206-15-133 and ASB 206L-15-175 also specify that helicopters that have been modified per Supplemental Type Certificate (STC) SH2073SO (installation of shoulder harness restraint system) are affected and therefore included in the ASB applicability.

ASB 206L-15-175 also specifies that helicopters that have been modified per STC SH2751SO (installation of a passenger shoulder harness restraint system) are affected and therefore included in the ASB applicability.

Proposed AD Requirements

This proposed AD would require, within 25 hours time-in-service (TIS) after the effective date of this AD, removing from service each comfort clip and inspecting each shoulder harness seat belt for a rip and abrasion. If there is a rip or abrasion, this proposed AD would require removing the shoulder harness seat belt from service before further flight. This proposed AD would also prohibit installing a comfort clip on any helicopter as of the effective date of the proposed AD.

Differences Between This Proposed AD and the Transport Canada AD

This proposed AD would require removing the comfort clip and inspecting the shoulder harness seat belt within 25 hours TIS; Transport Canada AD CF-2018-16 requires inspecting for the presence of a comfort clip at 25 hours air time, or 10 days, whichever occurs first, and then requires removing the comfort clip, if installed. Transport Canada AD CF-2018-16 requires inspecting the shoulder harness seat belt for any damage that exceeds allowable limits within 100 hours air time or 30 days, whichever occurs first, whereas this proposed AD would require the inspection within 25 hours TIS and removing any shoulder harness seat belt from service before further flight if there is any rip or abrasion.

Transport Canada AD CF-2018-16 applies to all serial-numbered Model 206, 206A, 206A-1, 206B, 206B-1, 206L, 206L-1, 206L-3, 206L-4, 222, 222B, 222U, 230, 407, 427, 429 and 430 helicopters, whereas this proposed AD would apply to Model 206, 206A, 206A-1, 206B, 206B-1, 206L, 206L-1, 206L-3, 206L-4, 222, 222B, 222U, 230, 407, 427, 429 and 430 helicopters with a comfort clip installed or helicopters that have been modified per Supplemental Type Certificate (STC) SH2073SO (installation of shoulder harness restraint system) or STC SH2751SO (installation of a passenger shoulder harness restraint system).

Costs of Compliance

The FAA estimates that this proposed AD would affect 2,347 helicopters of U.S. Registry. The FAA estimates that operators may incur the following costs in order to comply with this proposed AD. Labor costs are estimated at \$85 per work-hour.

Removing each comfort clip would take about 0.5 work-hour for an estimated cost of \$43 per clip and up to \$807,368 for the U.S. fleet.

Replacing a shoulder harness seat belt, if required, would take about 1 work-hour and parts would cost about \$250 per shoulder harness seat belt, for an estimated cost of \$335 per replacement.

Authority for This Rulemaking

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

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

Regulatory Findings

The FAA determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the

national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed, I certify this proposed regulation:

1. Is not a "significant regulatory action" under Executive Order 12866,
2. 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:

Bell Textron Canada Limited: Docket No. FAA-2021-0539; Project Identifier 2018-SW-048-AD.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by August 20, 2021.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Bell Textron Canada Limited (Bell) Model 206, 206A, 206A-1 (OH-58A), 206B, 206B-1, 206L, 206L-1, 206L-3, 206L-4, 222, 222B, 222U, 230, 407, 427, 429, and 430 helicopters, certificated in any category:

- (1) With a shoulder harness seat belt comfort clip (comfort clip) installed; or
- (2) That have been modified per Supplemental Type Certificate (STC) SH2073SO (installation of shoulder harness restraint system) or STC SH2751SO (installation of a passenger shoulder harness restraint system).

(d) Subject

Joint Aircraft Service Component (JASC) Code: 2500 Cabin Equipment/Furnishings.

(e) Unsafe Condition

This AD defines the unsafe condition as a comfort clip interfering with the seat belt

inertia reel, which could prevent the seatbelt from locking and result in injury to the occupant during an emergency landing.

(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:

- (i) Remove each comfort clip from service.
- (ii) Inspect each shoulder harness seat belt for a rip and abrasion. If there is a rip or any abrasion, before further flight, remove the shoulder harness seat belt from service.

(2) As of the effective date of this AD, do not install any comfort clip on any helicopter.

(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 Steven Warwick, Aerospace Engineer, Certification Section, Fort Worth ACO Branch, Compliance & Airworthiness Division, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone (817) 222-5225; email Steven.R.Warwick@faa.gov.

(2) For service information identified in this AD, contact Bell Textron Canada Limited, 12,800 Rue de l'Avenir, Mirabel, Quebec J7J1R4; 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 Transport Canada AD CF-2018-16, dated June 14, 2018. You may view the Transport Canada AD on the internet at <https://www.regulations.gov> in the AD Docket in Docket No. FAA-2021-0539.

Issued on June 28, 2021.

Ross Landes,

Deputy Director for Regulatory Operations, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021-14257 Filed 7-2-21; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2021-0545; Project Identifier MCAI-2021-00071-T]

RIN 2120-AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for all Airbus SAS Model A350-941 and -1041 airplanes. This proposed AD was prompted by a report of a broken forward guide arm found during a passenger door emergency opening test. Investigation results indicated that the opening speed of the door was higher than expected, likely caused by a reduced damping due to oil leakage of the passenger door damper emergency opening actuator (DEOA). This proposed AD would require repetitively replacing certain forward and aft guide arms on the passenger door, inspecting the forward and aft guide arm support brackets for damage, modifying certain DEOAs, and repair if necessary. This proposed AD would also provide an optional terminating action for the repetitive replacements, as specified in a European Union Aviation Safety Agency (EASA) AD, which is proposed for incorporation by reference. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by August 20, 2021.

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

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

- *Fax:* 202-493-2251.

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

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

For material that will be incorporated by reference (IBR) in this AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email ADs@easa.europa.eu; internet www.easa.europa.eu. You may find this IBR material on the EASA website at <https://ad.easa.europa.eu>. You may view this IBR material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206-231-3195. It is also available in the AD docket on the internet at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2021-0545.

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-2021-0545; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, any comments received, and other information. The street address for Docket Operations is listed above.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under **ADDRESSES**. Include "Docket No. FAA-2021-0545; Project Identifier MCAI-2021-00071-T" at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend the proposal because of those comments.

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will post all comments received, without change, to <https://www.regulations.gov>, including any

personal information you provide. The agency will also post a report summarizing each substantive verbal contact received about this proposed AD.

Confidential Business Information

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

Background

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2021-0085, dated March 19, 2021 (EASA AD 2021-0085) (also referred to as the Mandatory Continuing Airworthiness Information, or the MCAI), to correct an unsafe condition for all Airbus SAS Model A350-941 and -1041 airplanes. EASA AD 2021-0085 supersedes EASA AD 2021-0018 dated 15 January 2021, retains all requirements and adds terminating action for the repetitive replacements.

This proposed AD was prompted by a report of a broken forward guide arm

found during a passenger door emergency opening test. Investigation results indicated that the opening speed of the door was higher than expected, likely caused by a reduced damping due to oil leakage of the passenger door DEOA. The FAA is proposing this AD to address failure of a passenger door to perform its intended function during an emergency opening, which could result in reduced evacuation capacity from the airplane and injury to occupants. See the MCAI for additional background information.

Related Service Information Under 1 CFR Part 51

EASA AD 2021-0085 describes procedures for repetitively replacing the forward and aft guide arms following any passenger door emergency opening, modifying the airplane so that there is a maximum of one affected DEOA per door pair (left- and right-hand sides), inspecting the forward and aft guide arm support brackets for damage, and repair. EASA AD 2021-0085 also describes procedures for replacement of each affected DEOA having part number FE396001001, which is terminating action for the repetitive replacements.

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

FAA’s Determination and Requirements of This Proposed AD

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

Proposed AD Requirements

This proposed AD would require accomplishing the actions specified in EASA AD 2021-0085 described previously, as incorporated by reference, except for any differences identified as exceptions in the regulatory text of this AD.

Explanation of Required Compliance Information

In the FAA’s ongoing efforts to improve the efficiency of the AD process, the FAA initially worked with Airbus and EASA to develop a process to use certain EASA ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has since coordinated with other manufacturers and civil aviation authorities (CAAs) to use this process. As a result, EASA AD 2021-0085 will be incorporated by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2021-0085 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 the EASA AD does not mean that operators need comply only with that section. For example, where the AD requirement refers to “all required actions and compliance times,” compliance with this AD requirement is not limited to the section titled “Required Action(s) and Compliance Time(s)” in the EASA AD. Service information specified in EASA AD 2021-0085 that is required for compliance with EASA AD 2021-0085 will be available on the internet at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2021-0545 after the FAA final rule is published.

Costs of Compliance

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

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Up to 93 work-hours × \$85 per hour = Up to \$7,905	Up to \$13,600	Up to \$21,505	Up to \$322,575.
Modification	\$0	Up to \$935	Up to \$14,025.

The FAA has received no definitive data on which to base the cost estimates

for the on-condition repairs specified in this proposed AD.

According to the manufacturer, some or all of the costs of this proposed AD may be covered under warranty, thereby

reducing the cost impact on affected operators. The FAA does not control warranty coverage for affected operators. As a result, the FAA has included all known costs in the cost estimate.

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed above, I certify this proposed regulation:

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Airbus SAS: Docket No. FAA–2021–0545; Project Identifier MCAI–2021–00071–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by August 20, 2021.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Airbus SAS Model A350–941 and –1041 airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 52, Doors.

(e) Reason

This AD was prompted by a report of a broken forward guide arm found during a passenger door emergency opening test. Investigation results indicated that the opening speed of the door was higher than expected, likely caused by a reduced damping due to oil leakage of the passenger door damper emergency opening actuator (DEOA). The FAA is issuing this AD to address failure of a passenger door to perform its intended function during an emergency opening, which could result in reduced evacuation capacity from 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) EASA AD 2021–0085, dated March 19, 2021 (EASA AD 2021–0085).

(h) Exceptions to EASA AD 2021–0085

- (1) Where EASA AD 2021–0085 refers to January 29, 2021 (the effective date of EASA AD 2021–0018), this AD requires using the effective date of this AD.
- (2) Where EASA AD 2021–0085 refers to its effective date, this AD requires using the effective date of this AD.
- (3) The "Remarks" section of EASA AD 2021–0085 does not apply to this AD.
- (4) Where paragraphs (4) and (5) of EASA AD 2021–0085 refer to "the limits as defined in the inspection SB [service bulletin]," for this AD use "the limits as defined in ASR [aircraft structural repair] A350–A–51–73–11–01ZZZ–667Z–A."
- (5) Where paragraphs (1) and (2) of EASA AD 2021–0085 specify to "replace the forward and aft guide arms on that door in accordance with the instructions of the inspection SB," this AD requires "removing

the forward and aft guide arms on that door, in accordance with the instructions of the inspections SB; doing a detailed inspection of the forward and aft guide arm support bracket on that door and all applicable corrective actions as specified in paragraphs (3) through (5) of EASA AD 2021–0085; and installing new forward and aft guide arms on that door, in accordance with the instructions of the inspections SB."

(i) No Reporting Requirement

Although the service information referenced in EASA AD 2021–0085 specifies to submit certain information to the manufacturer, this AD does not include that requirement.

(j) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Large Aircraft Section, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or responsible Flight Standards Office, as appropriate. If sending information directly to the Large Aircraft Section, International Validation Branch, send it to the attention of the person identified in paragraph (k)(2) of this AD. Information may be emailed to: 9-AVS-AIR-730-AMOC@faa.gov. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the 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

(1) For information about EASA AD 2021–0085, 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>. 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-2021-0545.

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

Issued on June 29, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021-14269 Filed 7-2-21; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2021-0546; Project Identifier MCAI-2021-00387-P]

RIN 2120-AA64

Airworthiness Directives; Hoffmann GmbH & Co. KG Propellers

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to supersede Airworthiness Directive (AD) 2020-25-05, which applies to all Hoffmann GmbH & Co. KG (Hoffmann) model HO-V 72 propellers. AD 2020-25-05 requires amending the existing aircraft flight manual (AFM) with abnormal propeller vibration instructions. AD 2020-25-05 also requires visual inspection and non-destructive test (NDT) inspection of the propeller hub and, depending on the results of the inspections, replacement of the propeller hub with a part eligible for installation. AD 2020-25-05 also requires replacement of the propeller hub before exceeding 30 years since the date of manufacture. Since the FAA issued AD 2020-25-05, analyses of the inspection results showed that the 30-year life limit of the propeller hub is no longer needed. This proposed AD would retain certain requirements of AD 2020-25-05 and remove the 30-year life limit of the propeller hub. 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 20, 2021.

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

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

- **Fax:** (202) 493-2251.

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

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

For service information identified in this NPRM, contact Hoffmann GmbH & Co. KG, K pferlingstrasse 9, 83022, Rosenheim, Germany; phone: +49 0 8031 1878 0; email: info@hoffmann-prop.com; website: <https://hoffmann-prop.com>. You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call (781) 238-7759.

Examining the AD Docket

You may examine the AD docket at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2021-0546; 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 mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

FOR FURTHER INFORMATION CONTACT:

Michael Schwetz, Aviation Safety Engineer, Boston ACO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: (781) 238-7761; fax: (781) 238-7199; email: michael.schwetz@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-2021-0546; Project Identifier MCAI-2021-00387-P" at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend the proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as "PROPIN." The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Michael Schwetz, Aviation Safety Engineer, Boston ACO Branch, FAA, 1200 District Avenue, Burlington, MA 01803. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

The FAA issued AD 2020-25-05, Amendment 39-21347 (85 FR 78702, December 7, 2020), (AD 2020-25-05), for all Hoffmann model HO-V 72 propellers. AD 2020-25-05 was prompted by reports of cracks at different positions on two affected propeller hubs. AD 2020-25-05 requires amending the existing AFM with abnormal propeller vibration instructions. AD 2020-25-05 also requires visual inspection and NDT inspection of the propeller hub and, depending on the results of the inspections, replacement of the propeller hub with a part eligible for installation. AD 2020-25-05 also requires replacement of the propeller hub before exceeding 30 years since the date of manufacture or within 30 days after the effective date of AD 2020-25-05, whichever occurs later. The agency issued AD 2020-25-05 to prevent failure of the propeller hub.

Actions Since AD 2020–25–05 Was Issued

Since the FAA issued AD 2020–25–05, the European Union Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA AD 2020–0226R1, dated March 31, 2021 (referred to after this as “the MCAI”), to address the unsafe condition on these products. The MCAI states:

Cracks have been reported at different positions on two affected parts, both installed on Slingsby T67 “Firefly” aeroplanes. One crack was found during scheduled inspection, the other crack during an unscheduled inspection after abnormal vibrations occurred. Both cases are under investigation by Hoffmann Propeller.

This condition, if not detected and corrected, could lead to in-flight propeller detachment, possibly resulting in damage to the airplane and/or injury to persons on the ground.

To address this potential unsafe condition, Hoffmann issued the SB, providing applicable instructions.

For the reasons described above, EASA issued Emergency AD 2020–0226–E to require inspections of affected parts and, depending on findings, replacement, and introduces a life limit for affected parts. That [EASA] AD also required, for certain aeroplanes, amendment of the applicable Aircraft Flight Manual (AFM).

Since that [EASA] AD was issued, recent analyses of inspection results showed that the life limit of 30 years is no longer necessary and Hoffmann Propeller issued Revision D of the SB accordingly.

This [EASA] AD is revised to delete the life limit and to introduce a clarification for corrective action(s) during overhaul in paragraph (6) [of EASA AD].

You may obtain further information by examining the MCAI in the AD docket at <https://www.regulations.gov> by searching for and locating Docket No. FAA–2021–0546.

In addition, Hoffmann issued Service Bulletin SB E53, Rev. D, dated February 18, 2021, to no longer specify that the propeller hub be replaced before exceeding 30 years since the date of manufacture.

FAA’s Determination

This product has been approved by EASA and is approved for operation in the United States. Pursuant to the FAA’s bilateral agreement with the European Community, EASA has notified the FAA of the unsafe condition described in the MCAI and service information. The FAA is issuing this NPRM because the agency evaluated all the relevant information provided by EASA and determined the unsafe condition described previously is likely to exist or develop in other products of the same type design.

Related Service Information Under 1 CFR Part 51

The FAA reviewed Hoffmann Propeller GmbH & Co. KG Service Bulletin SB E53, Rev. D, dated February 18, 2021. This service information specifies procedures for visual and NDT inspections of the propeller hub for cracks. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in **ADDRESSES**.

Proposed AD Requirements in This NPRM

This proposed AD would retain certain requirements of AD 2020–25–05. This proposed AD would no longer require that the propeller hub be replaced before exceeding 30 years since the date of manufacture or within 30 days after the effective date of AD 2020–25–05.

Differences Between the Proposed AD and MCAI or Service Information

EASA AD 2020–0226R1, dated March 31, 2021, applies to Hoffmann HO–V 72 propellers with propeller hub HO–V 72 () ()–()–() that have been used or are expected to be used for aerobatic maneuvers. This proposed AD applies to all Hoffmann model HO–V 72 propellers regardless of their use.

Hoffmann Propeller GmbH & Co. KG Service Bulletin SB E53, Rev. D, dated February 18, 2021, specifies that operators must send any propeller found with a crack to Hoffmann for investigation. The service bulletin also specifies that operators must report any propeller with cracked hubs to Hoffmann. This proposed AD does not mandate sending the propeller or information to Hoffmann.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 35 propellers installed on airplanes of U.S. registry.

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Amend AFM	1 work-hour × \$85 per hour = \$85	\$0	\$85	\$2,975
Visually inspect propeller hub	1 work-hour × \$85 per hour = \$85	0	85	2,975
NDT inspect propeller hub	8 work-hours × \$85 per hour = \$680	0	680	23,800

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
Replace propeller hub	5 work-hours × \$85 per hour = \$425	\$1,600	\$2,025

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA’s authority to issue rules on aviation safety. Subtitle I,

Section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the Agency’s authority.

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

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

Regulatory Findings

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

For the reasons discussed above, I certify that the 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:
 - a. Removing Airworthiness Directive AD 2020–25–05, Amendment 39–21347 (85 FR 78702, December 7, 2020); and
 - b. Adding the following new airworthiness directive:

Hoffmann GmbH & Co. KG: Docket No. FAA–2021–0546; Project Identifier MCAI–2021–00387–P.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by August 20, 2021.

(b) Affected ADs

This AD replaces AD 2020–25–05, Amendment 39–21347 (85 FR 78702, December 7, 2020).

(c) Applicability

This AD applies to all Hoffmann GmbH & Co. KG HO–V 72 propellers.

(d) Subject

Joint Aircraft System Component (JASC) Code 6114, Propeller Hub Section.

(e) Unsafe Condition

This AD was prompted by reports of cracks at different positions on two affected propeller hubs. The FAA is issuing this AD to prevent failure of the propeller hub. The unsafe condition, if not addressed, could result in release of the propeller, damage to the airplane, and injury to persons on the ground.

(f) Compliance

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

(g) Required Actions

(1) Before the next flight after December 22, 2020 (the effective date of AD 2020–25–05), amend the existing aircraft flight manual by inserting the procedure: “Abnormal propeller vibrations: As applicable, reduce engine RPM.”

(2) Before the next flight after the effective date of this AD, and thereafter, before the next flight after any flight where abnormal propeller vibrations have been experienced, visually inspect propeller hub HO–V 72 () ()–() for cracks using paragraph 2.1 of Hoffmann Propeller GmbH & Co. KG Service Bulletin SB E53, Rev. D, dated February 18, 2021 (the SB).

(3) Within 20 flight hours after the effective date of this AD, perform a non-destructive test (NDT) inspection of propeller hub HO–V 72 () ()–() using paragraph 2.3 of the SB.

(4) If, during any inspection required by paragraph (g)(2) or (3) of this AD, any crack is detected, replace propeller hub HO–V 72 () ()–() with a part eligible for installation.

(5) During each overhaul of propeller hub HO–V 72 () ()–() after the effective date of this AD, perform an NDT inspection using paragraph 2.3 of the SB.

(h) Definition

For the purpose of this AD, a “part eligible for installation” is a propeller hub HO–V 72 () ()–() with zero hours time since new or a propeller hub HO–V 72 () ()–() that has passed an NDT inspection using paragraph 2.3 of the SB.

(i) Non-Required Actions

(1) Sending the propeller to Hoffmann for investigation, as contained in paragraph 2.1 of the SB, is not required by this AD.

(2) Reporting propeller hubs with cracks to Hoffmann, as contained in paragraph 2.3 of the SB, is not required by this AD.

(j) Credit for Previous Actions

You may take credit for the initial visual inspection and NDT inspection of the propeller hub required by paragraphs (g)(2),

(3), and (5) of this AD if you performed any of these actions before the effective date of this AD using Hoffmann Propeller GmbH & Co. KG SB E53 Rev. A, dated October 9, 2020; Rev. B, dated October 14, 2020; or Rev. C, dated December 9, 2020.

(k) Special Flight Permit

A special flight permit may be issued in accordance with 14 CFR 21.197 and 21.199 to operate the airplane to a service facility to perform the NDT inspection. Special flight permits are prohibited to perform the visual inspection of the propeller hub.

(l) Alternative Methods of Compliance (AMOCs)

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

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

(m) Related Information

(1) For more information about this AD, contact Michael Schwetz, Aviation Safety Engineer, Boston ACO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: (781) 238–7761; fax: (781) 238–7199; email: michael.schwetz@faa.gov.

(2) Refer to European Union Aviation Safety Agency (EASA) AD 2020–0226R1, dated March 31, 2021, for more information. You may examine the EASA AD in the AD docket at <https://www.regulations.gov> by searching for and locating it in Docket No. FAA–2021–0546.

(3) For service information identified in this AD, contact Hoffmann GmbH & Co. KG, K pferlingstrasse 9, 83022, Rosenheim, Germany; phone: +49 0 8031 1878 0; email: info@hoffmann-prop.com; website: <https://hoffmann-prop.com>. You may view this referenced service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call (781) 238–7759.

Issued on June 29, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–14271 Filed 7–2–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 71**

[Docket No. FAA-2021-0529; Airspace Docket No. 21-ASO-18]

RIN 2120-AA66

Proposed Amendment of Class E Airspace; Monroe, NC

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend Class E airspace extending upward from 700 feet above the surface for Charlotte-Monroe Executive Airport, Monroe, NC. The FAA is proposing this action as a result of the Charlotte Class B Biennial Review. This action would also update the airports name to Charlotte-Monroe Executive Airport, (formerly Monroe Airport). In addition, this action would also update the geographic coordinates of the airport to coincide with the FAA's database. Controlled airspace is necessary for the safety and management of instrument flight rules (IFR) operations in the area.

DATES: Comments must be received on or before August 20, 2021.

ADDRESSES: Send comments on this proposal to: The U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12-140, Washington, DC 20590-0001; Telephone: (800) 647-5527, or (202) 366-9826. You must identify the Docket No. FAA-2021-0529; Airspace Docket No. 21-ASO-18, at the beginning of your comments. You may also submit comments through the internet at <https://www.regulations.gov>.

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

FOR FURTHER INFORMATION CONTACT: John Goodson, Operations Support Group,

Eastern Service Center, Federal Aviation Administration, 1701 Columbia Avenue, College Park, GA 30337; Telephone: (404) 305-5966.

SUPPLEMENTARY INFORMATION:**Authority for This Rulemaking**

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

Comments Invited

Interested persons are invited to comment on this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify both docket numbers (Docket No. FAA-2021-0529 and Airspace Docket No. 21-ASO-18) and be submitted in triplicate to DOT Docket Operations (see **ADDRESSES** section for the address and telephone number). You may also submit comments through the internet at <https://www.regulations.gov>.

Persons wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed stamped postcard on which the following statement is made: "Comments to FAA Docket No. FAA-2021-0529; Airspace Docket No. 21-ASO-18." The postcard will be date/time stamped and returned to the commenter.

All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this document may be changed in light of the comments received. All comments submitted will be available for examination in the public docket both before and after the

comment closing date. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded through the internet at <https://www.regulations.gov>. Recently published rulemaking documents can also be accessed through the FAA's web page at https://www.faa.gov/air_traffic/publications/airspace_amendments/.

You may review the public docket containing the proposal, any comments received and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for address and telephone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined between 8:00 a.m. and 4:30 p.m., Monday through Friday, except federal holidays, at the office of the Eastern Service Center, Federal Aviation Administration, Room 350, 1701 Columbia Avenue, College Park, GA 30337.

Availability and Summary of Documents for Incorporation by Reference

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

The Proposal

The FAA proposes an amendment to 14 CFR part 71 to establish Class E airspace extending upward from 700 feet above the surface at Charlotte-Monroe Executive Airport, Monroe, NC, by increasing the radius to 9.0 miles, (formerly 6.3 miles). In addition, this action would update the airport name to Charlotte-Monroe Executive Airport (formerly Monroe Airport) and update the geographical coordinates to coincide with the FAA's database.

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

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

Regulatory Notices and Analyses

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

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, “Environmental Impacts: Policies and Procedures”, prior to any FAA final regulatory action.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

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

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

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

§ 71.1 [Amended]

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

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

* * * * *

ASO NC E5 Monroe, NC [Amended]

Charlotte-Monroe Executive Airport, NC
(Lat. 35°01'03" N, long. 80°37'19" W)

That airspace extending upward from 700 feet above the surface within a 9.0-mile radius of Charlotte-Monroe Executive Airport.

Issued in College Park, Georgia, on June 30, 2021.

Matthew N. Cathcart,

*Acting Manager, Operations Support Group,
Eastern Service Center, Air Traffic
Organization.*

[FR Doc. 2021–14320 Filed 7–2–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

**[Docket No. FAA–2021–0471; Airspace
Docket No. 21–AGL–25]**

RIN 2120–AA66

Proposed Revocation of Class E Airspace and Amendment of Class E Airspace; Peebles and West Union, OH

AGENCY: Federal Aviation
Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking
(NPRM).

SUMMARY: This action proposes to revoke the Class E extending upward from 700 feet above the surface at Peebles, OH; and amend the Class E airspace extending upward from 700 feet above the surface at Alexander Salamon Airport, West Union, OH. The FAA is proposing this action as the result of airspace reviews caused by the decommissioning of the West Union non-federal non-directional beacon (NDB). The geographic coordinates of the Alexander Salamon Airport would also be updated to coincide with the FAA’s aeronautical database.

DATES: Comments must be received on or before August 20, 2021.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590; telephone (202) 366–9826, or (800) 647–5527. You must identify FAA Docket No. FAA–2021–0471/Airspace Docket No. 21–AGL–25 at the beginning of your comments. You may also submit comments through the internet at <https://www.regulations.gov>.

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays.

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

FOR FURTHER INFORMATION CONTACT:

Jeffrey Claypool, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222–5711.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA’s authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency’s authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would revoke the Class E extending upward from 700 feet above the surface at Peebles, OH; and amend the Class E airspace extending upward from 700 feet above the surface at Alexander Salamon Airport, West Union, OH, to support instrument flight rule operations at this airport.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory

decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. FAA-2021-0471/Airspace Docket No. 21-AGL-25." The postcard will be date/time stamped and returned to the commenter.

All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded through the internet at <https://www.regulations.gov>. Recently published rulemaking documents can also be accessed through the FAA's web page at https://www.faa.gov/air_traffic/publications/airspace_amendments/.

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for the address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined during normal business hours at the Federal Aviation Administration, Air Traffic Organization, Central Service Center, Operations Support Group, 10101 Hillwood Parkway, Fort Worth, TX 76177.

Availability and Summary of Documents for Incorporation by Reference

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

The Proposal

The FAA is proposing an amendment to 14 CFR part 71 by:

Revoking the Class E airspace extending upward from 700 feet above the surface at Peebles, OH;

And amending the Class E airspace extending upward from 700 feet above the surface to within a 6.4-mile (decreased from a 7.7-mile) radius of Alexander Salamon Airport, West Union, OH; removing the name associated with the airport to comply with changes to FAA Order 7400.2M, Procedures for Handling Airspace Matters; and updating the geographic coordinates of the airport to coincide with the FAA's aeronautical database.

This action is due to airspace reviews caused by the decommissioning of the West Union non-federal NDB and the closure of the airport and cancellation of the instrument procedures at Peebles, OH.

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

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

Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, is non-controversial and unlikely to result in adverse or negative comments. It, therefore: (1) Is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal.

Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, would not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, "Environmental Impacts: Policies and

Procedures" prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

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

■ 1. The authority citation for 14 CFR part 71 continues to read as follows:

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

§ 71.1 [Amended]

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

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

* * * * *

AGL OH E5 Peebles, OH [Removed]

* * * * *

AGL OH E5 West Union, OH [Amended]

Alexander Salamon Airport, OH
(Lat. 38°51'06" N, long. 83°33'58" W)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of the Alexander Salamon Airport.

Issued in Fort Worth, Texas, on June 29, 2021.

Martin A. Skinner,

Acting Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. 2021-14199 Filed 7-2-21; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

DEPARTMENT OF THE TREASURY

19 CFR Parts 102 and 177

[USCBP–2021–0025]

RIN 1515–AE63

Non-Preferential Origin Determinations for Merchandise Imported From Canada or Mexico for Implementation of the Agreement Between the United States of America, the United Mexican States, and Canada (USMCA)

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security; Department of the Treasury.

ACTION: Notice of proposed rulemaking; request for comments.

SUMMARY: This document proposes to amend the U.S. Customs and Border Protection (CBP) regulations regarding non-preferential origin determinations for merchandise imported from Canada or Mexico. Specifically, this document proposes that CBP will apply certain tariff-based rules of origin in the CBP regulations for all non-preferential determinations made by CBP, specifically, to determine when a good imported from Canada or Mexico has been substantially transformed resulting in an article with a new name, character, or use. For consistency, this document also proposes to modify the CBP regulations for certain country of origin determinations for government procurement. Collectively, the proposed amendments in this notice of proposed rulemaking (NPRM) are intended to reduce administrative burdens and inconsistency for non-preferential origin determinations for merchandise imported from Canada or Mexico for purposes of the implementation of the Agreement Between the United States of America, the United Mexican States, and Canada (USMCA). Elsewhere in this issue of the **Federal Register**, CBP is publishing an interim final rule to amend various regulations to implement the USMCA for preferential tariff treatment claims. The interim final rule amends the CBP regulations, *inter alia*, to apply certain tariff-based rules of origin for determining the country of origin for the marking of goods imported from Canada or Mexico.

DATES: Comments must be received by August 5, 2021.

ADDRESSES: You may submit comments, identified by *docket number* USCBP–

2021–00X25 by *one* of the following methods:

- Federal eRulemaking Portal at <http://www.regulations.gov>. Follow the instructions for submitting comments.
- Mail: Due to COVID–19-related restrictions, CBP has temporarily suspended its ability to receive public comments by mail.

Instructions: All submissions received must include the agency name and docket number for this rulemaking. All comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided. For detailed instructions on submitting comments and additional information on the rulemaking process, see the “Public Participation” heading of the **SUPPLEMENTARY INFORMATION** section of this document.

Docket: For access to the docket to read background documents or comments received, go to <http://www.regulations.gov>. Due to the relevant COVID–19-related restrictions, CBP has temporarily suspended on-site public inspection of the public comments.

FOR FURTHER INFORMATION CONTACT:

Operational Aspects: Queena Fan, Director, USMCA Center, Office of Trade, U.S. Customs and Border Protection, (202) 738–8946 or usmca@cbp.dhs.gov.

Legal Aspects: Craig T. Clark, Director, Commercial and Trade Facilitation Division, Regulations and Rulings, Office of Trade, U.S. Customs and Border Protection, (202) 325–0276 or craig.t.clark@cbp.dhs.gov.

SUPPLEMENTARY INFORMATION:

I. Public Participation

Interested persons are invited to participate in this rulemaking by submitting written data, views, or arguments on all aspects of this notice of proposed rulemaking (NPRM). U.S. Customs and Border Protection (CBP) also invites comments that relate to the economic, environmental, or federalism effects that might result from this proposed rule. Comments that will provide the most assistance to CBP will reference a specific portion of the NPRM, explain the reason for any recommended change, and include data, information or authority that support such recommended change.

II. Background

The country of origin of merchandise imported into the customs territory of the United States (the fifty states, the District of Columbia, and Puerto Rico) is important for several reasons. The

country of origin of merchandise determines the rate of duty, admissibility, quota, eligibility for procurement by government agencies, and marking requirements. There are various rules of origin for goods imported into the customs territory of the United States, generally referred to as “preferential” and “non-preferential” rules of origin. “Preferential” rules are those that apply to merchandise to determine eligibility for special treatment, including reduced or zero tariff rates, under various trade agreements or duty preference legislation, *e.g.*, Generalized System of Preferences. “Non-preferential” rules are those that generally apply for all other purposes.¹ CBP uses the substantial transformation standard to determine the country of origin of goods for non-preferential purposes. For a substantial transformation to occur, “a new and different article must emerge, ‘having a distinctive name, character or use.’” *Anheuser-Busch Brewing Ass’n v. United States*, 207 U.S. 556, 562 (1908) (quoting *Hartranft v. Wiegmann*, 121 U.S. 609, 615 (1887)).

CBP applies two different methods for determining if merchandise has been substantially transformed. One method involves case-by-case adjudication, relying primarily on tests articulated in judicial precedent and past administrative rulings. The other method consists of codified rules in part 102 of title 19 of the Code of Federal Regulations (19 CFR part 102) (referred to as the part 102 rules), which are primarily expressed through specified differences in the Harmonized Tariff Schedule of the United States (HTSUS) classification of the good and its materials. This method is often referred to as the “change in tariff classification”

¹ The term “non-preferential purposes” generally refers to purposes set forth in laws, regulations, and administrative determinations of general application applied to determine the country of origin of goods not related to the granting of tariff preferences pursuant to a trade agreement or a trade preference program such as the Generalized System of Preferences. Non-preferential purposes include antidumping and countervailing duties; safeguard measures; origin marking requirements; and any discriminatory quantitative restrictions or tariff quotas. They also include rules of origin used for trade statistics and for determining eligibility for government procurement. *See, e.g.*, Art. I, Uruguay Round Agreement on Rules of Origin. They do not include the rules of origin used to determine eligibility for preferential tariff treatment under trade agreements unless otherwise explicitly specified in those agreements. Notwithstanding the above, under Title VII of the Tariff Act of 1930, as amended, merchandise within the scope of the Department of Commerce’s antidumping and/or countervailing duty proceedings may be associated with a country of origin (for purposes of the scope of antidumping/countervailing duties) that is different from the country of origin determined by CBP for other purposes.

or “tariff shift” method. Both the case-by-case and tariff shift methods are intended to produce the same determinations as to origin because both apply the same substantial transformation standard.

CBP first promulgated the part 102 rules in 1994 to fulfill the commitment of the United States under Annex 311 of the North American Free Trade Agreement (NAFTA), which required the parties to establish rules for determining whether a good is a good of a NAFTA party (*i.e.*, the United States, Mexico, or Canada). In contrast to the case-by-case method, the part 102 rules were intended to provide for more certainty, transparency, and consistency in application of origin decisions. They codify, rather than constitute an alternative to, the substantial transformation standard and are intended to implement the standard consistently.²

*Country of Origin Marking Requirements for Imported Merchandise From Canada or Mexico Pursuant to the Agreement Between the United States of America, the United Mexican States, and Canada (USMCA)*³

On November 30, 2018, the “Protocol Replacing the North American Free Trade Agreement with the Agreement Between the United States of America, the United Mexican States, and Canada” (the Protocol) was signed to replace the NAFTA. Section 601 of the United States-Mexico-Canada Agreement Implementation Act (USMCA Act), Public Law 116–113, 134 Stat. 11 (19 U.S.C. Chapter 29), repealed the North American Free Trade Agreement Implementation Act (NAFTA Implementation Act), Public Law 103–182, 107 Stat. 2057 (19 U.S.C. 3301 *et seq.*), as of the date that the USMCA entered into force, July 1, 2020. The NAFTA provisions set forth in part 181 of title 19 of the CFR (19 CFR part 181) and in General Note 12, Harmonized Tariff Schedule of the United States (HTSUS), continue to apply to goods entered for consumption, or withdrawn from warehouse for consumption, prior to July 1, 2020. On July 1, 2020, CBP published an interim final rule (IFR) in

the **Federal Register** (CBP Dec. 20–11) amending 19 CFR part 181 and adding a new part 182 of title 19 of the CFR (19 CFR part 182) containing several USMCA provisions, including the Uniform Regulations regarding rules of origin (appendix A to part 182). *See* 85 FR 39690 (July 1, 2020).

In another IFR published elsewhere in this issue of the **Federal Register** (“Agreement Between the United States of America, the United Mexican States, and Canada (USMCA) Implementing Regulations Related to the Marking Rules, Tariff-rate Quotas, and Other USMCA Provisions” (RIN 1515–AE56)), CBP is amending the CBP regulations to include additional USMCA implementing regulations in 19 CFR part 182 and to amend other portions of title 19 of the CFR. The IFR includes amendments to parts 102 and 134 of title 19 of the CFR (19 CFR parts 102 and 134) to apply the rules of origin set forth in 19 CFR part 102 for determining the country of origin for the marking of goods imported from Canada or Mexico. Those amendments facilitate the transition from the NAFTA to the USMCA by maintaining the status quo for country of origin for marking determinations.

Non-Preferential Origin Determinations for Merchandise Imported From Canada or Mexico

Although the NAFTA Implementation Act was repealed by the USMCA Act as of July 1, 2020, the part 102 rules remain in 19 CFR part 102 and are applicable for country of origin marking determinations for goods imported from Canada or Mexico under the USMCA (pursuant to the IFR, being concurrently published, as explained above). The part 102 rules, specifically §§ 102.21 through 102.25, are also to be used by CBP to determine the country of origin of textile and apparel products (imported from all countries except from Israel (*see* 19 CFR 102.22)), including the administration of quantitative restrictions, if applicable.

After the part 102 rules were promulgated in 1994, the rules were subsequently amended to also include references to specific U.S. trade agreements that incorporated those rules as part of the determination for trade preference eligibility, *i.e.*, for preference purposes. For example, as indicated in the scope provision for part 102, the rules set forth in §§ 102.1 through 102.21 also apply for purposes of determining whether an imported good is a new or different article of commerce under § 10.769 of the United States-Morocco Free Trade Agreement regulations and § 10.809 of the United

States-Bahrain Free Trade Agreement regulations.

Unlike the NAFTA, the USMCA does not refer to a marking requirement, except with regard to certain agricultural goods. For certain agricultural goods, the USMCA does contain a requirement that a good must first qualify to be marked as a good of Canada or Mexico in order to receive preferential tariff treatment under the USMCA. For most goods, only the general Uniform Regulations regarding rules of origin set forth in Appendix A of part 182 of title 19 (19 CFR part 182) and the product-specific rules of origin contained in General Note 11, HTSUS, are needed to determine whether a good is an originating good under the USMCA and therefore is eligible to receive preferential tariff treatment.

The Secretary of the Treasury has general rulemaking authority, pursuant to 19 U.S.C. 1304 and 1624, to make such regulations as may be necessary to carry out the provisions of section 304(a) of the Tariff Act of 1930, as amended, related to the country of origin requirements for imported articles of foreign origin. The Department of the Treasury and CBP have concluded that extending application of the well-established part 102 rules to goods imported from the USMCA countries of Canada and Mexico will provide continuity for the importing community because those rules have been applied to all imports from these countries since 1994.⁴ The importing community has made extensive efforts to comply with the part 102 rules and CBP has significant experience in applying those rules to imported merchandise from Canada and Mexico. The part 102 rules, as codified, are a reliable, simplified, and standardized method for CBP when determining the country of origin for customs purposes.

When promulgating the part 102 rules in 1994, the U.S. Customs Service (now CBP) explained:

. . . the long history of the substantial transformation rule, [and] its administration has not been without problems. These problems devolve from the fact that application of the substantial transformation rule is on a case-by-case basis and often involves subjective judgments as to what

² *See* “Rules for Determining the Country of Origin of a Good for Purposes of Annex 311 of the North American Free Trade Agreement; Rules of Origin Applicable to Imported Merchandise,” 60 FR 22312, 22314 (May 5, 1995), citing, in part, “Rules of Origin Applicable to Imported Merchandise,” 59 FR 141 (Jan. 3, 1994).

³ The Agreement Between the United States of America, the United Mexican States, and Canada is the official name of the USMCA treaty. Please be aware that, in other contexts, the same document is also referred to as the United States-Mexico-Canada Agreement.

⁴ This rule does not apply for purposes of determining whether merchandise is subject to the scope of antidumping and countervailing duty proceedings under Title VII of the Tariff Act of 1930, as amended, as such determinations fall under the authority of the Department of Commerce. Specifically, notwithstanding a CBP country of origin determination, that merchandise may be subject to the scope of antidumping and/or countervailing duty proceedings associated with a different country.

constitutes a new and different article or as to whether processing has resulted in a new name, character, and use. As a result, application of the substantial transformation rule has remained essentially non-systematic in that a judicial or administrative determination in one case more often than not has little or no bearing on another case involving a different factual pattern. Thus, while judicial and administrative decisions involving the substantial transformation rule may have some value as restatements or refinements of the basic rule, they are often of little assistance in resolving individual cases involving the myriad of issues or tests that have arisen, such as the distinction between producer's goods and consumer's goods, the significance of further manufacturing or finishing operations, and the issue of dedication to use. The very fact that the substantial transformation rule has been the subject of a large number of judicial and administrative determinations is testament to the basic problem: The case-by-case approach, involving application of the rule based on specific sets of facts, has led to varied case-specific interpretations of the basic rule, resulting in a lack of predictability which in turn has engendered a significant degree of uncertainty both within Customs and in the trade community as regards the effect that a particular type of processing should have on an origin determination.

“Rules for Determining the Country of Origin of a Good for Purposes of Annex 311 of the North American Free Trade Agreement,” 59 FR 110, 141 (January 3, 1994).

Importers of goods from Canada and Mexico are well-versed in the part 102 rules, and the greater specificity and transparency those rules provide will facilitate the determination of eligibility for USMCA tariff preferences for certain agricultural goods, as noted above. Accordingly, to make the transition from the NAFTA to the USMCA as smooth as possible for the importing community, CBP is amending 19 CFR parts 102 and 134, in the IFR concurrently published today, to continue application of the part 102 rules to determine the country of origin for marking purposes of a good imported from Canada or Mexico.

CBP has not previously applied the part 102 rules for non-preferential origin determinations involving goods imported from Canada and Mexico other than for textile products and for purposes of determining country of origin marking. CBP has, instead, used case-by-case adjudication for other non-preferential origin determinations. CBP makes such non-preferential origin determinations for purposes such as admissibility, quota, procurement by government agencies, and application of duties imposed under sections 301 to 307 of the Trade Act of 1974, as amended (19 U.S.C. 2411–2417, commonly referred to as “Section 301”).

This means that importers of goods from Canada and Mexico are subject to two different non-preferential origin determinations for imported merchandise: One for marking; and, another for determining origin for other purposes. Consequently, these importers must also potentially comply with requirements to declare two different countries of origin for the same imported good (e.g., Canada and China). This burdens importers with unnecessary additional requirements, creates inconsistency, and reduces transparency.

To address these burdens, CBP is proposing to amend the scope section of part 102 of title 19 of the CFR so that the substantial transformation standard will be applied consistently across all non-preferential origin determinations that CBP makes for merchandise imported from Canada and Mexico. This purpose is accomplished by adding new language to the scope provision of the part 102 rules. The proposed regulatory change will obviate the need for importers of merchandise from Canada and Mexico wishing to comply with the various laws that require CBP origin determinations from having to request multiple non-preferential country of origin determinations from CBP for a particular good. The proposed regulatory change also means that CBP will no longer need to issue rulings with multiple non-preferential origin determinations goods imported from Canada or Mexico, and there will no longer be rulings that conclude that a good imported from Canada or Mexico has two different origins under the USMCA (i.e., one for marking and one for other, customs non-preferential purposes). CBP's application of the part 102 rules would not, however, affect similar determinations made by other agencies, such as the Department of Commerce's scope determinations in antidumping or countervailing duty proceedings (see 19 CFR 351.225), determinations by the Agricultural Marketing Service under the Country of Origin Labeling (“COOL”) law (see 7 CFR part 65), or origin determinations made by other agencies for purposes of government procurement under the Federal Acquisition Regulation (see 48 CFR chapter 1).

CBP is also proposing to make corresponding edits to part 177 of title 19 of the CFR, which sets forth the requirements for various types of administrative rulings. Specifically, subpart B of part 177 applies to the issuance of country of origin advisory rulings and final determinations relating to government procurement for purposes of granting waivers of certain

“Buy American” restrictions in U.S. law and practice for products from eligible countries. As noted in 19 CFR 177.21, the subpart is intended to be applied consistent with the Federal Acquisition Regulation (48 CFR chapter 1) and the Defense Acquisition Regulations System (48 CFR chapter 2). It is also noted that Chapter 13 of the USMCA provides that the United States will apply the same rules of origin to Mexican imports for government procurement as it does for other trade. The United States has the same obligation to Canada under Article IV:5 of the WTO Agreement on Government Procurement. While the substantial transformation standard already applies by statute (19 U.S.C. 2518(4)(B)), CBP's proposed application of the part 102 rules to make these substantial transformation determinations would ensure the consistency of CBP determinations for goods imported from Mexico and Canada. The proposed regulatory change will specifically provide that, when making country of origin determinations for purposes of subpart B of part 177, the part 102 rules will be applied by CBP to determine whether goods imported into the United States from Canada or Mexico previously underwent a substantial transformation in Canada or Mexico. The proposed regulatory change would not affect the origin determinations other agencies make related to procurement.

III. Discussion of Proposed Amendments

Pursuant to 19 U.S.C. 4535(a), the Secretary of the Treasury has the authority to prescribe such regulations as may be necessary to implement the USMCA. Section 103(b)(1) of the USMCA Act (19 U.S.C. 4513(b)(1)) requires that initial regulations necessary or appropriate to carry out the actions required by or authorized under the USMCA Act or proposed in the Statement of Administrative Action approved under 19 U.S.C. 4511(a)(2) to implement the USMCA shall, to the maximum extent feasible, be prescribed within one year after the date on which the USMCA enters into force. The Secretary also has general rulemaking authority, pursuant to 19 U.S.C. 1304 and 1624, to make such regulations as may be necessary to carry out the provisions of the Tariff Act of 1930, as amended, related to the country of origin requirements for imported articles of foreign origin. The Secretary also has authority under 19 U.S.C. 1502 to regulate the procedures for issuing binding rulings, and 19 U.S.C. 2515(b)(1) requires the Secretary to make rulings and determinations as to

substantial transformation under 19 U.S.C. 2518(4)(B).

CBP is proposing to amend the scope provision in 19 CFR part 102 to apply the substantial transformation standard consistently across country of origin determinations CBP makes for imported goods from the USMCA countries of Canada and Mexico for non-preferential purposes.⁵ Specifically, CBP proposes to amend section 102.0 to extend the scope of part 102 to state that the rules set forth in §§ 102.1 through 102.18 and 102.20 are intended to apply to CBP's country of origin determinations for non-preferential purposes for goods imported from Canada and Mexico.

CBP is also proposing to amend subpart B of 19 CFR part 177 to add a cross-reference to clarify that, for "country of origin" in § 177.22(a), the determination pursuant to 19 U.S.C. 2515(b)(1) as to whether an article has been substantially transformed into a new and different article of commerce with a name, character, or use distinct from that of the article or articles from which it was so transformed, for purposes of granting waivers of certain "Buy American" restrictions, must be made using the rules set forth in §§ 102.1 through 102.18 and 102.20 of title 19 of the CFR for goods from Canada and Mexico.

IV. Statutory and Regulatory Authority

A. Executive Orders 13563 and 12866

Executive Orders 13563 and 12866 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 (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 rulemaking is a "significant regulatory action," although not an economically significant regulatory action, under section 3(f) of Executive Order 12866. Accordingly, the Office of Management and Budget (OMB) has reviewed this regulation.

Background and Purpose of Rule

All merchandise of foreign origin imported into the United States must generally be marked with its country of origin, and it is subject to a country of origin determination by CBP.⁶ The country of origin of imported goods may

be used as a factor to determine preferential trade treatment, such as eligibility under various trade agreements and special duty preference legislation, like the Generalized System of Preferences. The country of origin of imported goods is also used to determine non-preferential trade treatment, such as admissibility, marking, and trade relief.⁷ Importers must exercise reasonable care in determining the country of origin of their goods and often make this determination on their own. However, some importers may seek advice from CBP to determine the country of origin for their goods for preferential and/or non-preferential purposes.

CBP applies two methods for determining the country of origin of imports for non-preferential purposes, as stated above. One method involves case-by-case adjudication to determine whether the goods have been substantially transformed in a particular country, relying primarily on judicial precedent and past administrative rulings. The other method consists of codified rules in part 102 of title 19 of the Code of Federal Regulations (19 CFR part 102) (referred to as the part 102 rules), which are also used to determine whether the goods have been substantially transformed, but are primarily expressed through specific changes in the Harmonized Tariff Schedule of the United States (HTSUS) classification, often referred to as a "tariff shift." Both the case-by-case and tariff shift methods implement the substantial transformation standard and are intended to lead to the same result.

Prior to the USMCA, under the NAFTA, country of origin marking determinations were made using the NAFTA marking rules codified in 19 CFR part 102 that specify whether a good imported from Canada or Mexico that is not entirely of Canadian or Mexican origin has been substantially transformed through processes that resulted in changes in the tariff classification (*i.e.*, tariff shifts) in Canada or Mexico. To determine the country of origin of goods imported from Canada or Mexico for other non-preferential purposes (*i.e.*, purposes other than marking), CBP employed case-by-case adjudication to determine whether such goods were substantially transformed in those NAFTA countries. These different non-preferential country of origin-determination methods required some importers to determine and declare two different countries of origin for the same imported good (*e.g.*, Canada and China).

The USMCA, which recently superseded the NAFTA, was generally silent as to how the country of origin should be determined for goods imported from Canada and Mexico for marking and other non-preferential purposes. However, CBP is concurrently publishing an IFR in this issue of the **Federal Register** that, among other things, continues to apply the existing part 102 rules for determining the country of origin for marking of goods imported from Canada or Mexico. In this proposed rule, CBP proposes to expand the scope of the part 102 rules to provide that those rules are also to be generally applicable for all other (*i.e.*, other than marking) non-preferential origin determinations made by CBP for goods imported from the USMCA countries of Canada and Mexico. CBP's application of the part 102 rules would not, however, affect similar determinations made by other agencies, such as the Department of Commerce's scope determinations in antidumping or countervailing duty proceedings (*see* 19 CFR 351.225).

With this regulatory change, all non-preferential country of origin determinations by CBP for goods imported from Canada or Mexico would be based on substantial transformation pursuant to the tariff shift rules required by 19 CFR part 102. This would eliminate the need for some importers of products from Canada or Mexico to request two different non-preferential determinations—one for country of origin marking and one for case-by-case adjudication for other non-preferential purposes—to confirm CBP's treatment of their imports and avoid potentially different determinations. The rulemaking would also eliminate the need for some importers to comply with requirements to declare two different countries of origin for the same imported good (*e.g.*, Canada and China). CBP is proposing these changes to simplify and standardize country of origin determinations by CBP for all non-preferential purposes for goods imported from Canada or Mexico.

Population Affected by Rule

This rulemaking would directly affect certain importers of goods from Canada and Mexico and the U.S. Government (particularly CBP). In fiscal year (FY) 2019, 38,832 importers⁸ made 2.6 million non-NAFTA-preference entries

⁵ See *supra* footnote 4.

⁶ See 19 U.S.C. 1304 and 19 CFR part 134.

⁷ See *supra* footnote 4.

⁸ Based on unique importer of record (IOR) numbers of importers who entered goods in FY 2019. In some cases, multiple IOR numbers correspond to the same entity.

of goods from Canada and Mexico.⁹ All of these entries were subject to non-preferential country of origin marking requirements, while some of these goods were also subject to other non-preferential country of origin determinations, like trade remedies, that involve case-by-case adjudication. Around the same time, in FY 2020 and the start of FY 2021, CBP issued 52 rulings determining the origin of goods imported from Canada and Mexico for non-preferential purposes.¹⁰ These rulings, except for those involving the importation of certain textile and apparel products, employed case-by-case adjudication to determine whether such goods were substantially transformed in Canada or Mexico or other countries.

In the future, CBP projects that around 38,832 importers would continue to make around 2.6 million entries of goods from Canada and Mexico that are subject to non-preferential trade treatment, with or without this rule, each year. An unknown share of these importers would enter goods subject to non-marking-related non-preferential treatment. CBP also projects that about 52 case-by-case non-preferential country of origin determinations would be requested and issued each year in the absence of this rulemaking based on the historical number of case-by-case adjudications. This rulemaking would eliminate such case-by-case determination requests and the issuance of such rulings.

Costs and Revenue Impacts of Rule

This rulemaking may introduce changes in non-preferential payments from importers to the U.S. Government. In addition, there may be minimal costs for some importers, as discussed in this section. Changing from case-by-case adjudications for other non-preferential origin purposes to part 102's tariff shift rules may impose some costs on importers with goods from Canada and Mexico. Importers who switch from using these two determination methods for non-preferential origin purposes to just the part 102 rules with this rulemaking may, for example, incur some one-time, minor costs to adjust their inventory tracking systems and Automated Commercial Environment (ACE) entries to reflect the part 102-based non-marking, non-preferential country of origin for their goods in those cases where origin determinations

under the current practice have been inconsistent.¹¹ In such instances, importers may also need to adjust their business practices to ensure that they properly use the part 102 rules for all non-preferential country of origin purposes when the goods are sourced from Canada or Mexico under this proposed rule. These same importers must also ensure that they use case-by-case adjudications for any goods sourced outside of Canada or Mexico that are subject to non-preferential treatment. The extent of these costs on importers is unknown, but likely to be minimal. CBP requests public comments on these costs and any other costs of this rule to importers. This rule would not introduce costs to CBP.

In addition to costs, applying the part 102 (tariff shift) rules of origin rather than case-by-case adjudications to determine the origin for other non-preferential purposes could lead to trade policy outcomes different from historical and current practice. If an importer's goods are subject to inconsistent origin determinations under the current practice, this proposed rule may lead to a change in non-preferential payments from importers to the U.S. Government, which would result in an equal change in U.S. Government revenue. The number of instances where an importer would receive a different non-preferential country of origin determination under this rulemaking compared to current practice would likely be low, especially considering both methods apply the same substantial transformation standard and are intended to reach the same results. The specific effects of these different determinations on revenue are unknown. Any change in payments from importers to the U.S. Government as a result of this rulemaking are considered transfers rather than costs or benefits as they are moving money from one part of society to another.¹² CBP requests public comments on the potential number of instances where a good would be treated differently under trade remedy laws and relief under the

new rule compared to historical and current practice and any related effects on revenue.

Benefits of Rule

Besides costs and revenue impacts, this rulemaking would introduce benefits to importers and the U.S. Government. Importers must exercise reasonable care when determining the country of origin for their goods, which can include researching previous case-by-case adjudications on substantial transformation. This rulemaking would enhance the consistency of country of origin marking and non-preferential country of origin determinations for goods imported from Canada and Mexico. All determinations made by CBP would be based on substantial transformation through application of the part 102 rules. This change would allow importers of goods from Canada and Mexico to comply with just one non-preferential country of origin determination made by CBP for their goods rather than two.

The overall benefit to importers of complying with just one country of origin determination method from CBP for their goods from Canada and Mexico is unknown. Some importers who require CBP ruling requests to determine the country of origin for non-preferential purposes would enjoy greater benefits from the transition to just one non-preferential determination method. As previously described, importers of goods from Canada and Mexico must currently request two country of origin rulings from CBP if they cannot determine the country of origin for non-preferential purposes—one for country of origin marking and one for case-by-case adjudication for other non-preferential purposes. CBP estimates that a case-by-case determination request takes an importer at least 8 hours on average to request, at a time cost of \$250.96 per request according to an importer's average hourly time value of \$31.37.¹³ Based on

¹³ CBP bases this \$31.37 loaded wage rate on the Bureau of Labor Statistics' (BLS) 2020 median hourly wage rate for Cargo and Freight Agents (\$21.04), which CBP assumes best represents the wage for importers, multiplied by the ratio of BLS' average 2020 total compensation to wages and salaries for Office and Administrative Support occupations (1.4912), the assumed occupational group for importers, to account for non-salary employee benefits. Source of median wage rate: U.S. Bureau of Labor Statistics. Occupational Employment Statistics, "May 2020 National Occupational Employment and Wage Estimates United States- Median Hourly Wage by Occupation Code- Occupation Code 43-5011." Updated March 31, 2020. Available at https://www.bls.gov/oes/2020/may/oes_nat.htm. Accessed June 1, 2021. The total compensation to wages and salaries ratio is equal to the calculated average of the 2020 quarterly

⁹ These goods were not eligible for the generalized system of preferences.

¹⁰ Based on data from October 1, 2019, to December 16, 2020.

¹¹ As an example, if an importer has an inventory tracking system that identifies the non-marking, non-preferential country of origin for its goods from Canada and Mexico based on existing case-by-case adjudication rules, with this rule, that importer may need to revise the system to ensure that it identifies the goods based on the part 102 rules if the importer is importing goods subject to inconsistent origin determinations under the current practice.

¹² As described in OMB Circular A-4, transfer payments occur when ". . . monetary payments from one group [are made] to another [group] that do not affect total resources available to society." Examples of transfer payments include payments for insurance and fees paid to a government agency for services that an agency already provides.

this time cost and the historical average of about 52 case-by-case adjudication requests for non-preferential country of origin determinations for goods imported from Canada and Mexico, CBP estimates that importers would save at least \$13,050 in research time costs each year from no longer submitting case-by-case adjudication requests to CBP for their non-preferential country of origin requests for goods from Canada and Mexico. These requests may impose an unknown amount of additional time and resource costs on importers from an importer's gathering of information for the process and drafting the request, which could be avoided with this rulemaking.

Furthermore, CBP's country of origin determinations sometimes result in an imported good being determined to be a product of Canada or Mexico for some customs purposes and a good of a third country for other purposes. This rulemaking would eliminate these different determinations, which would standardize country of origin determinations for non-preferential purposes for goods imported from the USMCA countries of Canada and Mexico. CBP's application of the part 102 rules would not, however, affect similar determinations made by other agencies, such as the Department of Commerce's scope determinations in antidumping or countervailing duty proceedings (*see* 19 CFR 351.225). This standardized approach would provide additional benefits to importers, but the extent of these benefits is unknown. CBP requests public comments on the benefits of this change to importers. Although this rulemaking would eliminate the need for some importers to request case-by-case country of origin determinations for non-preferential purposes, it may require such importers to now request classification determinations for their goods imported from Canada and Mexico. The extent of these new classification requests is unknown. To the extent that importers would need to request additional

estimates (shown under Mar., June, Sep., Dec.) of the total compensation cost per hour worked for Office and Administrative Support occupations (\$28,8875) divided by the calculated average of the 2020 quarterly estimates (shown under Mar., June, Sep., Dec.) of wages and salaries cost per hour worked for the same occupation category (\$19,3725). Source of total compensation to wages and salaries ratio data: U.S. Bureau of Labor Statistics. Employer Costs for Employee Compensation. Employer Costs for Employee Compensation Historical Listing March 2004–December 2020, “Table 3. Civilian workers, by occupational group: employer costs per hours worked for employee compensation and costs as a percentage of total compensation, 2004–2020.” March 2021. Available at <https://www.bls.gov/web/cecc/ceccqrtn.pdf>. Accessed June 1, 2021.

classification determinations in place of case-by-case adjudications, the benefits of this rulemaking to importers would be lower. CBP requests public comments on any other benefits of this rulemaking to importers.

As previously stated, CBP issued 52 non-preferential determinations adjudicated on a case-by-case basis for goods imported from Canada and Mexico from October 2019 to December 2020. This rulemaking would eliminate the need for CBP to make such case-by-case determinations for similar goods imported from Canada and Mexico in the future. The current method for CBP to determine country of origin on a case-by-case basis for non-preferential purposes is generally more time and resource-intensive than the tariff-shift method. For CBP, country of origin determinations for non-preferential purposes based on case-by-case adjudications are highly individual, fact-intensive exercises. This rulemaking would largely make it easier for CBP to administer rules of origin for non-preferential country of origin determinations for goods imported from Canada and Mexico by employing the codified part 102 rules for both country of origin marking and other non-preferential purposes. By eliminating the need for importers to request non-preferential case-by-case determinations of their goods from Canada and Mexico, CBP would save an average of 5 hours to 40 hours currently dedicated to each case-by-case adjudication. This would translate to a time cost saving of between \$494.90 and \$3,959.20 based on a CBP attorney's average hourly time value of \$98.98.¹⁴ CBP estimates that with this proposed rule, CBP would no longer have to make 52 case-by-case rulings determining the origin of goods imported from Canada or Mexico for non-preferential purposes according to historical data. Considering these forgone determinations and the average time cost per determination, CBP would save approximately \$25,735 to \$205,878 per year from this rulemaking. These benefits would represent time cost savings to CBP rather than budgetary savings, meaning that CBP could use the savings to perform other agency missions, such as facilitating trade. As previously stated, this rulemaking may increase requests for classifications of goods imported from Canada and Mexico, though the extent of these requests is unknown. To the extent that CBP would need to conduct additional

¹⁴ CBP bases this wage on the FY 2019 salary, benefits, and non-salary costs (*i.e.*, fully loaded wage) of the national average of CBP attorney positions.

classifications in place of case-by-case adjudications, the benefits of this rulemaking to CBP would be lower.

Net Impact of Rule

In summary, this rulemaking would introduce costs, revenue changes, and benefits to importers and the U.S. Government. Some importers, for example, whose goods are subject to inconsistent origin determinations under the current practice, may incur minor costs to adjust their inventory tracking systems, ACE entries, and business practices to reflect the new country of origin determination for other non-preferential purposes, as described above. Transitioning to the proposed tariff shift system could also lead to an increase or decrease in non-preferential payments from importers, which would lead to an equal increase or decrease in revenue to the U.S. Government. The exact amounts of these costs and revenue changes are unknown, but they should be small considering the tariff shift methodology implements the same substantial transformation standard as the existing case-by-case method. Additionally, the rule would implement a simpler, standardized administration system for country of origin determinations made by CBP for all non-preferential purposes for goods imported from Canada and Mexico that would save importers and the U.S. Government time and resources. Importers could save at least an estimated \$13,050 in time costs annually from this rulemaking, while the U.S. Government could save between \$25,735 and \$205,878 in time costs each year. Overall, CBP believes this rulemaking's benefits would outweigh the costs.

B. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA; 5 U.S.C. 601 *et. seq.*), as amended by the Small Business Regulatory Enforcement and Fairness Act of 1996, requires agencies to assess the impact of regulations on small entities. A small entity may be a small business (defined as any independently owned and operated business not dominant in its field that qualifies as a small business per the Small Business Act); a small not-for-profit organization; or a small governmental jurisdiction (locality with fewer than 50,000 people).

This rulemaking proposes to expand the scope of the 19 CFR part 102 rules to provide that those rules are to be generally applicable to all non-preferential country of origin determinations made by CBP for goods imported from the USMCA countries of Canada and Mexico. With this change,

country of origin marking and all other non-preferential country of origin determinations made by CBP for goods imported from Canada or Mexico would be based on substantial transformations occurring with tariff shifts as defined under part 102. CBP's application of the part 102 rules would not, however, affect similar determinations made by other agencies, such as the Department of Commerce's scope determinations in antidumping or countervailing duty proceedings (*see* 19 CFR 351.225).

In FY 2019, 38,832 importers¹⁵ made 2.6 million non-NAFTA-preference entries of goods from Canada and Mexico, valued at \$155 billion.¹⁶ All of these entries were subject to non-preferential country of origin marking requirements, while some were also subject to other non-preferential country of origin determinations, like trade remedies, that involve case-by-case adjudication. CBP does not have precise data on the number of importers who entered goods from Canada and Mexico that were subject to country of origin requirements for marking and another non-preferential purpose that would be affected by this rulemaking. Based on available FY 2019 data on goods from Canada and Mexico subject to part 102 rules for marking and that involve case-by-case adjudication for the non-preferential purposes of Section 201 and Section 232 duties and quotas, as well as the 38,832 importers who entered non-NAFTA preference goods from Canada and Mexico in FY 2019, CBP estimates that this rulemaking could affect between approximately 10,000 and 38,832 unique importers entering goods from the USMCA countries of Canada and Mexico each year. These importers would range from individual buyers (households or businesses) to large businesses across many different industries. Some industries and businesses may be more affected than others, depending on the ultimate country of origin determination and the classification of the merchandise being imported. The exact number of small importers affected by this rulemaking is unknown. However, according to a separate CBP analysis, the vast majority of importers are classified as small businesses. Because this rulemaking would directly affect importers and the vast majority of importers are small businesses, the rule could affect a substantial number of small entities.

¹⁵ Based on unique importer of record numbers of importers who entered goods in FY 2019. In some cases, multiple IOR numbers correspond to the same entity.

¹⁶ These goods were not eligible for the Generalized System of Preferences.

The Regulatory Flexibility Act does not specify thresholds for economic significance but instead gives agencies flexibility to determine the appropriate threshold for a particular rule. Changing from case-by-case adjudications for other non-preferential origin purposes to part 102's tariff shift rules may impose some costs on importers with goods from Canada and Mexico. Importers who switch from using these two determination methods for non-preferential origin purposes to just the part 102 rules with this rulemaking may incur some one-time, minor costs to adjust their inventory tracking systems and Automated Commercial Environment entries to reflect the part 102-based non-marking-related, non-preferential country of origin for their goods. As an example, if an importer has an inventory tracking system that identifies the non-marking, non-preferential country of origin for its goods from Canada and Mexico based on existing case-by-case adjudication rules, with this rulemaking, that importer may need to revise the system to ensure that it identifies the goods based on the part 102 rules if the importer is importing goods subject to inconsistent origin determinations under the current practice. These determinations should match the country of origin determinations that importers must already make for non-preferential marking purposes. According to representatives of the Commercial Operations Advisory Committee, these costs will be approximately \$2,000-\$3,000 per company.

Some importers who source the same goods from Canada or Mexico and another country may also need to adjust their business practices to ensure that they properly use the part 102 rules for customs non-preferential country of origin purposes when the good is sourced from Canada or Mexico once this rulemaking is in effect and use case-by-case adjudications for any goods sourced outside of Canada or Mexico that are subject to non-preferential treatment. According to representatives of the Commercial Operations Advisory Committee, these costs are minimal. For mid to large companies, these costs would total at most \$2,000 to \$3,000 (note that this is in addition to a similar estimate above). Smaller companies would have smaller costs.

CBP does not believe that these costs, a maximum of \$4,000-\$6,000, would have a significant economic impact on importers, including those considered small under the RFA. The annual value of importations average \$4 million per importer, so these one-time costs make

up less than one percent of the value of their importations. In addition, trade members have expressed that the non-monetized benefits of operating under a single set of rules well outweigh the minimal costs to comply with this rulemaking. Therefore, CBP certifies that this rulemaking, if finalized, will not have a significant economic impact on a substantial number of small entities. CBP welcomes comments on this conclusion.

C. Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)) requires that CBP consider the impact of paperwork and other information collection burdens imposed on the public. CBP has determined that there is no collection of information that requires a control number assigned by the Office of Management and Budget.

Signing Authority

This rulemaking is being issued in accordance with 19 CFR 0.1(a)(1), pertaining to the authority of the Secretary of the Treasury (or that of his or her delegate) to approve regulations related to certain customs revenue functions.

List of Subjects

19 CFR Part 102

Canada, Customs duties and inspections, Imports, Mexico, Reporting and recordkeeping requirements, Trade agreements.

19 CFR Part 177

Administrative practice and procedure, Customs duties and inspection, Government procurement, Reporting and recordkeeping requirements.

Proposed Amendments to the Regulations

For the reasons given above, it is proposed to amend parts 102 and 177 as set forth below:

PART 102—RULES OF ORIGIN

■ 1. The general authority citation for part 102 is revised to read as follows:

Authority: 19 U.S.C. 66, 1202 (General Note 3(i), Harmonized Tariff Schedule of the United States), 1624, 3592, 4513.

■ 2. Amend § 102.0 by revising the second sentence and adding four sentences after the second sentence to read as follows:

§ 102.0 Scope.

* * * For goods imported into the United States from Canada or Mexico and entered for consumption, or

withdrawn from warehouse for consumption, before [EFFECTIVE DATE OF FINAL RULE], these specific purposes are: country of origin marking; determining the rate of duty and staging category applicable to originating textile and apparel products as set out in Section 2 (Tariff Elimination) of Annex 300-B (Textile and Apparel Goods) under NAFTA; and determining the rate of duty and staging category applicable to an originating good as set out in Annex 302.2 (Tariff Elimination) under NAFTA. CBP will determine the country of origin for all non-preferential purposes for goods imported into the United States from Canada or Mexico and entered for consumption, or withdrawn from warehouse for consumption, on or after [EFFECTIVE DATE OF FINAL RULE], using the rules set forth in §§ 102.1 through 102.18 and 102.20. The rules in this part regarding goods wholly obtained or produced in a country are intended to apply consistently for all such purposes. The rules in this part which determine when a good becomes a new and different article or a new or different article of commerce as a result of manufacturing processes in a given country are also intended to apply consistently for all purposes where this requirement exists for “country of origin” or “product of” determinations made by CBP for goods imported from Canada or Mexico. The rules in this part do not affect similar determinations made by other agencies, such as the Department of Commerce’s scope determinations in antidumping or countervailing duty proceedings (see 19 CFR 351.225). * * *

PART 177—ADMINISTRATIVE RULINGS

■ 3. The general authority citation for part 177 is revised to read as follows:

Authority: 5 U.S.C. 301; 19 U.S.C. 66, 1202 (General Note 3(i), Harmonized Tariff Schedule of the United States), 1502, 1624, 1625, 2515.

■ 4. Amend § 177.22 by adding a sentence to the end of paragraph (a) to read as follows:

§ 177.22 Definitions.

(a) * * * (For goods imported into the United States after processing in Canada or Mexico and entered for consumption, or withdrawn from warehouse for consumption, on or after [EFFECTIVE DATE OF FINAL RULE], substantial transformation will be determined using the rules set forth in §§ 102.1 through 102.18 and 102.20.)

* * * * *

Troy A. Miller, the Senior Official Performing the Duties of the

Commissioner, having reviewed and approved this document, is delegating the authority to electronically sign this document to Robert F. Altneu, who is the Director of the Regulations and Disclosure Law Division for CBP, for purposes of publication in the **Federal Register**.

Robert F. Altneu,

Director, Regulations & Disclosure Law Division, Regulations & Rulings, Office of Trade, U.S. Customs and Border Protection.

Approved:

Timothy E. Skud,

Deputy Assistant Secretary of the Treasury.

[FR Doc. 2021-14265 Filed 7-1-21; 11:15 am]

BILLING CODE 9111-14-P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

37 CFR Part 1

[Docket No. PTO-P-2021-0006]

RIN 0651-AD53

Standard for Presentation of Nucleotide and Amino Acid Sequence Listings Using XML (eXtensible Markup Language) in Patent Applications To Implement WIPO Standard ST.26; Incorporation by Reference

AGENCY: United States Patent and Trademark Office, Department of Commerce.

ACTION: Notice of proposed rulemaking.

SUMMARY: The United States Patent and Trademark Office (USPTO or Office) is proposing to revise the rules of practice for submitting biological sequence data associated with disclosures of nucleotide and amino acid sequences in patent applications by incorporating by reference the provisions of Standard ST.26 into the USPTO rules. Other conforming changes to accommodate for proposed new rules of practice based on the new standard are also included. These proposed amendments would apply to international and national applications filed on or after January 1, 2022. In addition to simplifying the process for applicants filing in multiple countries, a requirement to submit a single sequence listing in eXtensible Mark-up Language (XML) format will result in better preservation, accessibility, and sorting of the submitted sequence data for the public.

DATES: Comments must be received by September 7, 2021 to ensure consideration.

ADDRESSES: For reasons of Government efficiency, comments must be submitted through the Federal eRulemaking Portal at www.regulations.gov. To submit comments via www.regulations.gov, enter docket number PTO-P-2021-0006 on the homepage and click “Search.” The site will provide a search results page listing all documents associated with this docket. Find a reference to this notice and click on the “Comment Now!” icon, complete the required fields, and enter or attach your comments. Attachments to electronic comments will be accepted in ADOBE® portable document format or MICROSOFT WORD® format. Because comments will be made available for public inspection, information that the submitter does not desire to make public, such as an address or phone number, should not be included in the comments.

Visit the Federal eRulemaking Portal website (www.regulations.gov) for additional instructions on providing comments via the portal. If electronic submission of comments is not feasible due to lack of access to a computer and/or the internet, please contact the USPTO using the contact information below for special instructions.

FOR FURTHER INFORMATION CONTACT:

Mary C. Till, Senior Legal Advisor, Office of Patent Legal Administration, Office of the Deputy Commissioner for Patents, by email at Mary.Till@uspto.gov; or Ali Salimi, Senior Legal Advisor, Office of Patent Legal Administration, Office of the Deputy Commissioner for Patents, by email at Ali.Salimi@uspto.gov. Contact via telephone at 571-272-7704 for special instructions on submission of comments.

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I. Background

a. Summary of Changes

Standard ST.26 is the new international standard developed by the World Intellectual Property Organization (WIPO) and member states and adopted by the same. Under Standard ST.26, patent applications that contain disclosures of nucleotides and/or amino acid sequence(s) must present

the associated biological sequence data in a standardized electronic format (a “Sequence Listing XML”) as a separate part of the specification. Under the proposed rules, in international applications filed under the Patent Cooperation Treaty (PCT) and in national and regional applications in Intellectual Property Offices (IPOs) of WIPO member states, an applicant will have to submit a single internationally acceptable sequence listing in a language neutral format using specified International Nucleotide Sequence Database Collaboration (INSDC) identifiers, such that a single sequence listing can be prepared for worldwide use.

The proposed rule changes include: (1) Creation of new rules (§§ 1.831 through 1.835) to incorporate by reference Standard ST.26; (2) use of INSDC sequence data elements to replace numeric identifiers from the previous standard; (3) modification of rules of practice to include reference to “Sequence Listing XML;” (4) elimination of a paper or PDF copy of the sequence listing; (5) elimination of the option to include within a sequence listing sequences with fewer than 4 amino acids and fewer than 10 nucleotides; and (6) clarification and simplification of the rules to aid in understanding of the requirements that they set forth.

b. Introduction

The sequence rules (37 CFR 1.821 through 1.825) provide a standardized format for description of nucleotide and amino acid sequence data in patent applications and require the submission of such sequences in computer readable form (CRF). The current USPTO rules are based on WIPO Standard ST.25, which became effective in 1998, and use a flat file structure of numeric identifiers using a limited set of character codes. A new international standard, ST.26, was agreed upon by WIPO member states, and would apply to international and national applications filed on or after January 1, 2022. Applications pending prior to January 1, 2022, would not have to comply with Standard ST.26.

In an effort to streamline and reduce the procedural requirements found in the existing rules, and to respond to the needs of our customers to conform to Standard ST.26, the USPTO is proposing to amend its rules of practice for submitting biological sequence data associated with disclosures of nucleotide and amino acid sequences in patent applications filed on or after January 1, 2022, to comply with Standard ST.26.

To decrease the burden on applicants who file applications containing nucleotide and amino acid sequence information internationally, the USPTO has worked with other WIPO member states as part of the Committee on WIPO Standards (CWS) to develop a single internationally acceptable sequence listing standard for use in patent applications filed in those states. Beginning in October of 2010, the CWS established a Task Force to propose a revised standard for the filing of nucleotide and/or amino acid sequence listings in XML file format (hereinafter referred to as a “Sequence Listing XML”). In order to obtain public input on the content of Standard ST.26, the USPTO issued Requests for Comments in 2012 and 2016 (“Request for Comments on the Recommendation for the Disclosure of Sequence Listings Using XML (Proposed ST.26).” (See 77 FR 28541 (May 15, 2012)) and “Standard ST.26-Request for Comments on the Recommended Standard for the Presentation of Nucleotide and Amino Acid Sequence Listings using XML (eXtensible Markup Language).” (See 81 FR 74775 (October 27, 2016))). The adopted version of Standard ST.26 takes those comments into account. To achieve the goals that WIPO and WIPO member states (including the United States) set out by developing the sequence listing standard for presenting data consistently across all IPOs, all WIPO member states agreed to implement ST.26 for international and national applications filed on or after January 1, 2022. Therefore, upon finalizing the proposed rules, applications filed electronically in the United States on or after January 1, 2022, would need to conform to Standard ST.26, which requires submitting sequence listings in XML format. The USPTO is further proposing that applications that claim benefit or priority to an earlier application, where the earlier application contained a sequence listing that complied with the Standard ST.25 sequence rules, comply with the new rules that incorporate by reference Standard ST.26. In order to facilitate compliance, WIPO Sequence, a sequence listing authoring and validating tool, has been developed by WIPO with input from WIPO member states so that applicants can use it to prepare and validate their sequence listings in XML format as discussed *infra*. The USPTO is proposing to add to the patent rules (37 CFR part 1) by incorporating by reference Standard ST.26, and providing conforming amendments to the current rules.

To ensure that biological sequence data associated with the disclosures of nucleotides and/or amino acid sequence(s) in patent applications can be widely disseminated and searchable by the public and IPOs, the USPTO works with the National Center for Biotechnology Information (NCBI) for inclusion of patent sequence data in the GenBank searchable database. For NCBI to include all sequence data from the USPTO, the data must be provided in INSDC format so that it is compatible with GenBank. The Standard ST.25 format sequence listings cannot be readily converted to INSDC format, resulting in only a fraction of patent sequence information appearing in GenBank. This data loss limits the sequence information provided to the public and exchanged with other sequence database providers, *e.g.*, the National Institute of Genetics (NIG) in Japan, the DNA Data Bank of Japan (DDBJ) and European Molecular Biology Laboratory, European Bioinformatics Institute (EMBL–EBI). WIPO has been working with the WIPO member states to create, adopt, and implement Standard ST.26 for sequence listing submissions in XML file format having the INSDC data elements to address the data loss. Standard ST.26 aims to enhance the accuracy and quality of biological sequence data that is publicly disseminated. In adopting and implementing Standard ST.26, more complete biological sequence data from patents and patent applications will be included in GenBank and thus be accessible by the public. The change from ASCII format to XML format will result in sequence data having computer tags that facilitate sorting and retrieving, and permit ease of access to the data. Additionally, NCBI is planning to stop accepting data in Standard ST.25 format for inclusion in GenBank in about 3–5 years after January 1, 2022 (the Standard ST.26 transition date).

c. Standard ST.26

The WIPO “Handbook on Industrial Property Information and Documentation” sets forth standards for the presentation of data in many contexts. Standard ST.26 is titled “Recommended Standard for the Presentation of Nucleotide and Amino Acid Sequence Listings Using XML (eXtensible Markup Language).” Adoption of the current version, version 1.4, by the CWS, occurred in December of 2020 and reaffirms that January 1, 2022, is expected to be the implementation date for all WIPO member states. The proposed USPTO rules incorporate by reference Standard ST.26.

The adopted version of Standard ST.26 is composed of eight documents, namely, the main body of the Standard, a first annex setting forth the controlled vocabulary for use with the main body, a second annex setting forth the Document Type Definition (DTD) for the Standard, a third annex containing a sequence listing specimen, a fourth annex setting forth the character subset from the Unicode Basic Latin Code Table, a fifth annex setting forth additional data exchange requirements for IPOs, a sixth annex containing a guidance document, and a seventh annex setting forth recommendations for the transformation of a sequence listing from Standard ST.25 format to Standard ST.26 format including avoiding adding or deleting subject matter. These materials can be found at <http://www.wipo.int/export/sites/www/standards/en/pdf/03-26-01.pdf>. The main body of Standard ST.26 defines the disclosures of nucleotide and amino acid sequences in patent applications that must be presented in a sequence listing in XML format in the manner specified in the Standard. Specifically, as detailed in paragraph eight of the main body, a sequence listing must not include, as a sequence assigned its own sequence identification number, any sequences having fewer than ten specifically defined nucleotides, or fewer than four specifically defined amino acids. The main body establishes the requirements for representation of nucleotide and amino acid sequences and the requirements for the XML file format for a sequence listing. The first annex contains controlled vocabulary that provides nucleotide base codes, lists of modified nucleotides and their abbreviations, amino acid codes, and a list of modified amino acids and their abbreviations. In addition, the first annex provides defined feature keys and qualifiers used for nucleotide and amino acid sequences in the XML file for a sequence listing. This first annex specifically identifies qualifiers with language-dependent “free text” values that may require translation for national and regional procedures. The second annex provides the DTD setting forth the technical specifications to which a submitted Sequence Listing XML must conform. The third annex provides a specimen of a Standard ST.26 compliant sequence listing that shows a representation of an entire sequence listing in XML format. Annex IV provides a table of the character subset from the Unicode Basic Latin Code that will be used for a “Sequence Listing XML.” Annex V provides guidance to WIPO member states on how certain

sequence elements should be populated when data is exchanged with database providers. Annex VI, containing the guidance document, is provided to ensure that all applicants and WIPO member states understand the requirements for inclusion and representation of sequence disclosures. This guidance document was developed, in part, to address concerns raised in response to the USPTO’s requests for comment in 2012 and 2016, mentioned above. The guidance document illustrates the requirements of selected paragraphs found in the main body of Standard ST.26 through specific examples of nucleotide and amino acid biological sequence data. Additionally, the document provides guidance on the manner in which biological sequence data is represented within a Standard ST.26 compliant sequence listing in XML format. Annex VII addresses the potential consequence of these requirements when transforming a compliant Standard ST.25 sequence listing to a Standard ST.26 sequence listing, and provides detailed guidance on avoiding added or deleted subject matter due to the additional requirements of Standard ST.26.

d. Benefits

Transitioning from rules based on Standard ST.25 (*i.e.*, the current basis for the USPTO rules for “Sequence Listings”) to rules based on Standard ST.26 will be beneficial to both patent applicants filing sequence listings and IPOs receiving applications containing disclosures of nucleotide and amino acid sequences. Standard ST.26 provides clear requirements as to what must be included in a sequence listing, and how sequences must be represented. For example, it standardizes the representation of modified nucleotide sequences and amino acid sequences as well as variants derived from primary sequences. Since Standard ST.26 contains a guidance document that illustrates the requirements for inclusion and representation of biological sequence data, patent applicants will have a clearer understanding of the requirements for presentation of biological sequence data in a compliant sequence listing under Standard ST.26. Additionally, since Standard ST.26 only allows XML format, the potential for differences under the current rules between a sequence listing filed in paper/PDF format and the required electronic CRF will be eliminated. As a further benefit, IPOs of WIPO member states will no longer need to expend resources to process paper sequence listings and

perform necessary checks on the contents of paper documents.

Unlike rules based on Standard ST.25, rules based on Standard ST.26 will allow patent applicants to file a single sequence listing with the USPTO (with the exception of changes to comply with national language requirements) that will be acceptable to the IPOs of WIPO member states. Under Standard ST.25, IPOs have interpreted and enforced rules differently due to the imprecise language in the previous Standard. This has resulted in the frustrating situation where applicants generate sequence listings that may be accepted in one IPO but not another.

Standard ST.26 was drafted to precisely define what must and must not be included in a sequence listing, and how sequences must be represented in a sequence listing. The “Guidance document with illustrated examples” in Annex VI of Standard ST.26 illustrates the application of the rules to real-world sequence disclosure examples, eliminating the possibility of misinterpretation by IPOs or applicants.

Due to the improved data structure of XML, transitioning from the current USPTO rules based on Standard ST.25 to rules based on Standard ST.26 will have the effect of increasing the quality of examination of patent applications containing biological sequence data since a more comprehensive search will be possible. Sequence listings submitted in accordance with Standard ST.26 allow for targeted searching of both sequence annotation and newly required sequence types, such as D-amino acids, nucleotide analogues, and linear portions of branched sequences. Finally, sequence listing submissions under rules based on Standard ST.26 will enhance public database content, as they include the sequence annotations (*e.g.*, feature keys and qualifiers) used by database providers to describe biological sequence data. Standard ST.26 standardizes sequence variant presentation, annotation of modified and unusual residues, feature location descriptors, use of feature keys and qualifiers, organism names, and presentation of coding regions. Incorporation by reference of Standard ST.26 into USPTO rules has the effect of promoting data exchange between USPTO and NCBI due to use of INSDC identifiers required by database providers. The presence of additional data, as well as the enhanced compatibility to facilitate the exchange of data, will increase the value of database searches for biotechnology stakeholders that relate to nucleotide and amino acid sequences.

The USPTO recommends requiring compliance with Standard ST.26 for an application filed on or after January 1, 2022, because it will reduce the complexity and cost of long-term maintenance of IT systems for accepting sequence listings in multiple formats, provide a clear implementation date, and will facilitate transition to the format requirements of database providers. In addition, a requirement to submit a single sequence listing in XML format will result in better preservation, accessibility, and sorting of the submitted sequence data for the public. As noted herein, WIPO has created a tool to assist applicants with translation of existing sequences to the new standard.

e. WIPO Authoring and Validation Tool (WIPO Sequence)

To comply with rules that are based on Standard ST.26, patent applicants will be able to use “WIPO Sequence,” a freely-available desktop application developed by WIPO and adopted by WIPO member states, to generate a Standard ST.26 compliant sequence listing. WIPO Sequence has two functions: An authoring function and a validation function. Patent applicants will be able to author and validate their sequence listing using WIPO Sequence to comply with the requirements of Standard ST.26. Such a sequence listing will be accepted by all IPOs of WIPO member states. Thus, the burden of generating a sequence listing which is acceptable across all WIPO member states will be significantly decreased for patent applicants under Standard ST.26. This tool will be downloadable, free of charge, from the WIPO website. Currently, a beta version of WIPO Sequence is accessible at <https://www.wipo.int/standards/en/sequence/index.html>. This beta version will allow the public to familiarize themselves with the tool and its dual functionalities.

WIPO Sequence will allow a user to create and save patent application data and biological sequence data in a project, validate the project to ensure all required information is present, and generate a sequence listing in Standard ST.26 XML format. Information can be entered into a project manually, or data can be imported from a source file in one of a number of file types. WIPO Sequence can import data from other Standard ST.26 projects, Standard ST.26 XML sequence listings, Standard ST.25 sequence listing text files, raw files, multi-sequence format files, and FASTA (FAST-All-a DNA and protein sequence alignment software package) files. Feature keys, qualifiers, and organism

names are available to select from drop-down lists, simplifying the creation of sequence listings. Applicant and inventor names, as well as custom organism names, can be stored within WIPO Sequence for ease of access. To facilitate review of data entered into a project, WIPO Sequence can generate a “human-readable” version of the sequence listing in addition to the XML sequence listing.

WIPO Sequence includes an integrated validation function that will alert users to most errors in a project or sequence listing data. The validation function generates a report that clearly lists every detected error, the location of the error, and the detected value of the error, along with a link to the sequence in question, thereby ensuring users can correct errors before generating a final sequence listing. While the validation function will alert a user to most errors that are contained in a project or sequence listing, there are a small number of errors that can be detected only by human review (for example, an inappropriate organism name). In those cases, the integrated validation function will list a “warning” in the validation report, reminding users of the applicable/relevant rule and urging them to check their input values before generating a final sequence listing.

A sequence listing in Standard ST.25 format cannot automatically be converted into Standard ST.26 format because certain data elements required for a Standard ST.26 compliant sequence listing are not present in Standard ST.25. Therefore, conversion of a sequence listing in Standard ST.25 format to Standard ST.26 format necessarily requires additional input from the applicant. WIPO Sequence supplemented by significant guidance from WIPO and USPTO (in Annex VI and Annex VII of Standard ST.26) will help applicants accomplish this task. Users can import a Standard ST.25 sequence listing into a project, and WIPO Sequence automatically performs many of the necessary conversions. An Import Report is generated that alerts the user to all data conversions, and lists all sequence entries that require additional input. In response to concerns raised in comment to the USPTO’s requests for comments in 2012 and 2016, the USPTO, in conjunction with WIPO, developed Annex VII to provide detailed guidance to help applicants avoid added or deleted subject matter when converting a sequence listing from Standard ST.25 format into Standard ST.26 format.

In order to ensure that IPOs can validate and accept sequence listing projects from applicants generated with

WIPO Sequence, WIPO is developing a Standard ST.26 sequence listing validation tool, WIPO Sequence Validator. WIPO Sequence Validator will be for use by IPOs. WIPO Sequence Validator will be synchronized with the validation function in the WIPO Sequence tool. The USPTO is integrating WIPO Sequence Validator into its internal IT systems. The WIPO Sequence Validator will apply the same validation rules as WIPO Sequence. Therefore, filers will have a greater level of confidence that a sequence listing authored and validated by WIPO Sequence will comply with the USPTO rules for “Sequence Listing XMLs” (§§ 1.831 through 1.835) and accepted since the WIPO Sequence Validator that USPTO will use is based on Standard ST.26, which is incorporated by reference into the USPTO proposed rules of practice.

e. Applicability

In accordance with these proposed rules of practice, an application that has a filing date on or after January 1, 2022, would be required to contain a sequence listing in accordance with proposed §§ 1.831 through 1.835, which incorporate by reference Standard ST.26. This includes applications that claim priority to applications with filing dates before January 1, 2022. Such applications include but are not limited to applications having one or more benefit or priority claims under 35 U.S.C. 119(e) (claiming the benefit of a provisional), section 120 (claiming the benefit as a continuation and/or continuation-in-part), section 121 (claiming the benefit as a divisional), section 365 (claiming the benefit as a continuation or continuation in part to a PCT application), or section 119(a)–(d) (claiming the benefit to a foreign filed application or a prior filed PCT). If a prior application to which benefit or priority is claimed contains a sequence listing in Standard ST.25 format, the applicant would be required to convert that sequence listing to Standard ST.26 format for inclusion in the new application filed on or after January 1, 2022. As provided in 35 U.S.C. 363, the filing date of an international stage application is also the filing date for the national stage application filed under 35 U.S.C. 371. Accordingly, for applications filed under 35 U.S.C. 371, compliance with Standard ST.26 is based on the international filing date of the corresponding international application, rather than the date of submission of the national stage application in the USPTO. The proposed rules would also be applicable to applications for reissue without

regard to the filing date of the originally granted patent for which reissue is sought. That is, any reissue application filed on or after January 1, 2022, where the disclosure or claims contain nucleotide and amino acid sequences would be required to comply with proposed §§ 1.831 through 1.835.

Relying on the actual filing date of an application to determine whether a sequence listing must conform to §§ 1.821 through 1.825 (rules based on Standard ST.25) or §§ 1.831 through 1.835 (rules based on Standard ST.26) will simplify the application of the sequence rules, both for the USPTO and the applicant.

II. Discussion of Specific Rules

Section 1.52: Paragraph (e)(1)(ii) was proposed to be amended in another rulemaking that published at 86 FR 28301 (May 26, 2021). This proposed rule would further amend that paragraph to include reference to a “Sequence Listing XML” submitted under § 1.831(a) in compliance with §§ 1.832 through 1.834.

Section 1.52(e)(3)(iv) is proposed to be added to require that the contents of each read-only optical disc for a “Sequence Listing XML” must be in XML file format and, if compressed, must be compressed in accordance with § 1.834.

Section 1.52(e)(7) was proposed to be amended in another rulemaking that published at 86 FR 28301 (May 26, 2021). This proposed rule would further amend that paragraph to require that any amendment to the information on a read-only optical disc submitted in relation to a “Sequence Listing XML” be in accordance with § 1.835(b).

Section 1.52(f)(1) was proposed to be amended in another rulemaking that published at 86 FR 28301 (May 26, 2021). This proposed rule would further amend that paragraph to indicate that any XML file submitted on a read-only optical disc is excluded from the application size fee determination if the read-only optical disc contains a “Sequence Listing XML” in compliance with § 1.831(a). The provision at 35 U.S.C 41(a)(1)(G) provides the basis for excluding “any sequence listing,” when filed in electronic medium, from the application size fee determination. A “Sequence Listing XML” is considered “any sequence listing.”

Section 1.52(f)(1)(i) was proposed to be added in another rulemaking that published at 86 FR 28301 (May 26, 2021). This proposed rule would further amend that paragraph to reference any “Sequence Listing XML” in compliance with § 1.831(a).

Section 1.52(f)(2) was proposed to be amended in another rulemaking that published at 86 FR 28301 (May 26, 2021). This proposed rule would further amend that paragraph to indicate that any XML file, submitted via the USPTO patent electronic filing system for a “Sequence Listing XML” in compliance with § 1.831(a) is excluded from the application size fee determination. The provision at 35 U.S.C 41(a)(1)(G) provides the basis for excluding “any sequence listing” when filed in electronic medium from the application size fee determination. A “Sequence Listing XML” is considered “any sequence listing.”

Section 1.52(f)(2)(i) was proposed to be added in another rulemaking that published at 86 FR 28301 (May 26, 2021). This proposed rule would further amend that paragraph to reference any “Sequence Listing XML” in compliance with § 1.831(a).

Section 1.52(f)(3) was proposed to be added in another rulemaking that published at 86 FR 28301 (May 26, 2021). This proposed rule would further amend that paragraph to subject any “Sequence Listing XML” of 300MB–800MB to the surcharge set forth in § 1.21(o)(1) and any “Sequence Listing XML” over 800MB to the surcharge set forth in § 1.21(o)(2).

Section 1.53: Section 1.53(c)(4) is proposed to be revised to indicate that a separate sequence listing in a provisional application disclosing nucleotide and/or amino acid sequences is not required but, any biological sequence data submitted in a provisional application filed on or after January 1, 2022, must be a “Sequence Listing XML” in compliance with §§ 1.831 through 1.834. This proposed change is not anticipated to cover applications filed before January 1, 2022.

Section 1.77: Section 1.77(b)(5) was proposed to be amended in another rulemaking that published at 86 FR 28301 (May 26, 2021). This proposed rule would further amend that paragraph by reorganizing under § 1.77(b)(5)(i) the provisions for an incorporation by reference statement for ASCII plain text files submitted for a “Computer Program Listing Appendix” (§ 1.77(b)(5)(i)(A)), a “Sequence Listing” (§ 1.77(b)(5)(i)(B)), and “Large Tables” (§ 1.77(b)(5)(i)(C)). Section 1.77(b)(5)(ii) would contain provisions for an incorporation by reference statement for a “Sequence Listing XML” submitted via a USPTO patent electronic filing system or on one or more read-only optical discs. There would be no § 1.77(b)(5)(iii).

Section 1.121: Section 1.121(b) was proposed to be amended in another rulemaking that published at 86 FR 28301 (May 26, 2021). This proposed rule would further amend that paragraph to add an exception to amendment practice for “Sequence Listing XML”s (§ 1.835).

Section 1.121(b)(6) was proposed to be added in another rulemaking that published at 86 FR 28301 (May 26, 2021). This proposed rule would further amend that paragraph to require that changes to a “Sequence Listing XML” be made in accordance with § 1.835.

Section 1.173: The heading of § 1.173(b)(1) was proposed to be amended in another rulemaking that published at 86 FR 28301 (May 26, 2021). This proposed rule would further amend that heading to include “‘Sequence Listing XML’ (§ 1.831(a)).”

Section 1.173(b)(1)(i) was proposed to be added in another rulemaking that published at 86 FR 28301 (May 26, 2021). This proposed rule would further amend that paragraph to add an exception to reissue amendment practice for a “‘Sequence Listing XML’ (§ 1.831(a)).”

Section 1.173(b)(1)(ii) was proposed to be added in another rulemaking that published at 86 FR 28301 (May 26, 2021). This proposed rule would further amend that paragraph to provide that changes to a “Sequence Listing XML” must be made in accordance § 1.835.

Section 1.173(d) was proposed to be amended in another rulemaking that published at 86 FR 28301 (May 26, 2021). This proposed rule would further amend that paragraph to also exclude a “Sequence Listing XML” from the manner of making amendments in a reissue application.

Section 1.211: Section 1.211(c) is proposed to be amended to add a “Sequence Listing” in compliance with §§ 1.821 through 1.825 (if applicable) for an application filed before January 1, 2022, and a “Sequence Listing XML” in compliance with §§ 1.831 through 1.835 (if applicable) for an application filed on or after January 1, 2022, to the currently listed items that may delay application publication if not present.

Section 1.495: Section 1.495(c)(5) is proposed to be amended to delineate between translations needed for a “Sequence Listing” in international applications entering the national stage in the United States having an international filing date before January 1, 2022, and a “Sequence Listing” in XML format for international applications entering the national stage in the United States having an international filing date on or after January 1, 2022. Specifically, the

proposed amendment indicates that a “Sequence Listing” need not be translated for national stage entry if the “Sequence Listing” complies with PCT Rule 12.1(d) and the description complies with PCT Rule 5.2(b) for applications having an international filing date before January 1, 2022. However, the proposed amendment indicates that a “Sequence Listing” in XML format must be translated for national stage entry if a “Sequence Listing” in XML format was submitted in an international application with non-English language values for the invention title and/or any language-dependent free text qualifiers and has an international filing date on or after January 1, 2022.

Section 1.530: The heading of § 1.530(d)(1) was proposed to be amended in another rulemaking that published at 86 FR 28301 (May 26, 2021). This proposed rule would further amend that heading to include “‘Sequence Listing XML’ (§ 1.831(a)).”

Section 1.530(d)(1)(i) was proposed to be added in another rulemaking that published at 86 FR 28301 (May 26, 2021). This proposed rule would further amend that paragraph to add an exception to reexamination amendment practice for a “Sequence Listing XML” (§ 1.831(a)).”

Section 1.530(d)(1)(ii) was proposed to be added in another rulemaking that published at 86 FR 28301 (May 26, 2021). This proposed rule would further amend that paragraph to provide that changes to a “Sequence Listing XML” must be made in accordance with § 1.835.

Section 1.704: Section 1.704(f) is proposed to be amended to add a “Sequence Listing XML” in compliance with §§ 1.831 through 1.835 (if applicable) to the list of items that are required for an application filed under 35 U.S.C. 111(a) to be in condition for examination for purposes of calculating a reduction in patent term adjustment. The amendment also proposes to add a “Sequence Listing XML” in compliance with §§ 1.831 through 1.835 (if applicable) to the list of items that must be submitted in an international application for such an application to be in condition for examination when the application has entered the national stage as defined in § 1.491(b). Lastly, the rule is also proposed to be amended to add a “Sequence Listing XML” in compliance with §§ 1.831 through 1.835 (if applicable) to the current list of items for which an application is considered to be in compliance, for purposes of determining a patent term adjustment reduction, on the filing date of the latest reply (if any) correcting the papers,

drawings, or sequence listing that is prior to the date of mailing of either an action under 35 U.S.C. 132 or a notice of allowance under 35 U.S.C. 151, whichever occurs first.

Section 1.831: Section 1.831 is proposed to be added to require that patent applications having disclosures of nucleotide and amino acid sequences, as those terms are defined in the rule, must contain, as a separate part of the disclosure, a “Sequence Listing XML” for patent applications having a filing date on or after January 1, 2022.

Section 1.831(a) is proposed to be added to specify that the “Sequence Listing XML” uses the symbols and format in accordance with the requirements of §§ 1.832 through 1.834.

Section 1.831(b)(1) and (2) are proposed to be added to define the nucleotide and amino acid sequences that are encompassed by the rule for which a “Sequence Listing XML” is needed. Specifically, nucleotide and/or amino acid sequences as used in these proposed rules encompass: An unbranched sequence or linear region of a branched sequence containing four or more specifically defined amino acids, wherein the amino acids form a single peptide backbone or an unbranched sequence or linear region of a branched sequence of 10 or more specifically defined nucleotides, wherein adjacent nucleotides are joined by: A 3' to 5' (or 5' to 3') phosphodiester linkage or, for nucleotide analogs, any chemical bond that results in an arrangement of adjacent nucleobases that mimics the arrangement of nucleobases in naturally occurring nucleic acids.

Section 1.831(c) is proposed to be added to state that, where the description or claims of a patent application discuss a sequence that is set forth in the “Sequence Listing XML” in accordance with paragraph (a) of this section, reference must be made to the sequence by use of the sequence identifier, preceded by SEQ ID NO: Or the like in the text of the description or claims, even if the sequence is also embedded in the text of the description or claims of the patent application. The use of SEQ ID NO: Is preferred but including “or the like” is intended to ensure that a formalities notice is not sent when an application uses, for example, “SEQ NO.” or “Seq. Id. No.” or any similar identification of an amino acid or nucleotide sequence in the specification or claims where it is clear that a sequence from the “Sequence Listing XML” is shown in the specification or claims. In identifying the sequence in the description or claims, the numeric sequence identifier

from the “Sequence Listing XML” must be identifying the same sequence.

Section 1.831(d) is proposed to be added to define the expression “enumeration of its residues,” consistent with the definition in Paragraph 3(c) of WIPO Standard ST.26 itself (which is incorporated by reference herein).

Section 1.831(e) is proposed to be added to define the expression “specifically defined,” consistent with the definition in Paragraph 3(m) of WIPO Standard ST.26 (2020).

Section 1.831(f) is proposed to be added to define the expression “amino acid,” consistent with the definition in Paragraph 3(a) of WIPO Standard ST.26 (2020).

Section 1.831(g) is proposed to be added to define the expression “modified amino acid,” consistent with the definition in Paragraph 3(g) of WIPO Standard ST.26 (2020).

Section 1.831(h) is proposed to be added to define the expression “nucleotide,” consistent with Paragraphs 3(h) and 3(i) of WIPO Standard ST.26 (2020).

Section 1.831(i) is proposed to be added to define the expression “modified nucleotide,” consistent with Paragraph 3(h) of WIPO Standard ST.26 (2020).

Section 1.832: Section 1.832 is proposed to be added to provide the manner in which a nucleotide and/or amino acid sequence is presented in the “Sequence Listing XML” part of a patent application having a filing date on or after January 1, 2022.

Section 1.832(a) is proposed to be added to define the requirements for representation of sequences in a “Sequence Listing XML” part of the application. Specifically, each nucleotide and/or amino acid sequence presented in the “Sequence Listing XML” must be assigned a separate sequence identifier, and the sequence identifiers must begin with the number 1, and increase sequentially by integers as defined in Paragraph 10 of WIPO Standard ST.26 (2020).

Section 1.832(b)(1) through (4) are proposed to be added to define the requirements for representation of nucleotide sequence data in the “Sequence Listing XML.” Specifically, a nucleotide sequence must be represented in the manner described in Paragraphs 11–12 of WIPO Standard ST.26 (2020). All nucleotides, including nucleotide analogs, modified nucleotides, “unknown” nucleotides in a nucleotide sequence must be represented and described using symbols in the manner described in Paragraphs 13–19 and 21 of WIPO

Standard ST.26 (2020). For a region containing a known number of contiguous “a”, “c”, “g”, “t”, or “n” residues for which the same description applies, the entire region may be jointly described as provided in Paragraph 22 of WIPO Standard ST.26 (2020).

Section 1.832(c)(1) through (4) are proposed to be added to define the requirements for representation of amino acid sequence data in the “Sequence Listing XML.” Specifically, an amino acid sequence must be represented in the manner described in Paragraphs 24–25 of WIPO Standard ST.26 (2020). All amino acids, including modified amino acids and “unknown” amino acids, in an amino acid sequence must be represented and described using symbols in the manner described in Paragraphs 24–30 and 32 of WIPO Standard ST.26 (2020). For a region containing a known number of contiguous “X” residues for which the same description applies, the entire region may be jointly described as provided in Paragraph 34 of WIPO Standard ST.26 (2020).

Section 1.832(d) is proposed to be added to define the manner in which a single continuous sequence, derived from one or more non-contiguous segments of a larger sequence, or from segments of different sequences, must be represented, as described in Paragraph 35 of WIPO Standard ST.26 (2020).

Section 1.832(e) is proposed to be added to define the manner in which a nucleotide and/or amino acid sequence that contains regions of specifically defined residues separated by one or more regions of contiguous “n” or “X” residues of specified length must be represented, as described in Paragraph 36 of WIPO Standard ST.26 (2020).

Section 1.832(f) is proposed to be added to define the manner in which nucleotide and/or amino acid sequence that contains regions of specifically defined residues separated by one or more gaps of an unknown or undisclosed number of residues must be represented, as described in Paragraph 37 of WIPO Standard ST.26 (2020).

Section 1.833: Section 1.833 is proposed to be added to describe the requirements for a “Sequence Listing XML,” which is required by § 1.831(a) for patent applications with a filing date on or after January 1, 2022, in order to comply with WIPO Standard ST.26 (2020).

Section 1.833(a) is proposed to be added to require that the “Sequence Listing XML” must be presented as a single XML 1.0 file and encoded using Unicode UTF–8.

Section 1.833(b)(1) is proposed to be added to require that the “Sequence Listing XML” must be valid according to the DTD as presented in Annex II of WIPO Standard ST.26 (2020).

Section 1.833(b)(2) is proposed to be added to require that a “Sequence Listing XML” must comply with the list of items enumerated in (i)–(v) which are found in WIPO Standard ST.26 (2020).

Section 1.833(b)(2)(i) is proposed to be added to require that the “Sequence Listing XML” contain an XML declaration as defined in WIPO Standard ST.26 (2020), Paragraph 39.

Section 1.833(b)(2)(ii) is proposed to be added to require that the “Sequence Listing XML” contain a document type declaration as defined in WIPO Standard ST.26 (2020), Paragraph 39.

Section 1.833(b)(2)(iii) is proposed to be added to require that the “Sequence Listing XML” contain a root element as defined in WIPO Standard ST.26 (2020), Paragraph 43.

Section 1.833(b)(2)(iv) is proposed to be added to require that the “Sequence Listing XML” contain a general information part that complies with WIPO Standard ST.26 (2020), Paragraphs 45, 47 and 48, as applicable.

Section 1.833(b)(2)(v) is proposed to be added to require that the “Sequence Listing XML” contain a sequence data part that complies with WIPO Standard ST.26 (2020), Paragraphs 50–55, 57–58, 60–69, 71–78, 80–87, 89–98 and 100, as applicable.

Section 1.833(b)(3) is proposed to be added to require that the “Sequence Listing XML” contains at least one InventionTitle element, as set forth in WIPO Standard ST.26 at Paragraphs 45 and 48, in the English language since English is required under § 1.52(b)(1)(ii).

Section 1.833(b)(4) is proposed to be added to require that an INSDQualifier value element includes a value for that element in the English language for each language-dependent free text qualifier in the “Sequence Listing XML,” as required by § 1.52(b)(1)(ii), and where an INSDQualifier value element is defined in WIPO Standard ST.26 (2020), Paragraphs 76 and 85–88.

Section 1.834: Section 1.834 is proposed to be added to provide details on the form and format for nucleotide and/or amino acid sequence submissions as the “Sequence Listing XML” in patent applications filed on or after January 1, 2022.

Section 1.834(a) is proposed to be added to indicate that a “Sequence Listing XML” in Unicode UTF–8 created by any means (e.g., text editors, nucleotide/amino acid sequence editors, or other custom computer programs) in accordance with §§ 1.831 through 1.833

must: (1) Have the following compatibilities: (i) Computer compatibility: PC or Mac®; and (ii) operating system compatibility (e.g., MS–DOS®, MS–Windows®, Mac OS®, or Unix®/Linux®); (2) be in XML format, where all permitted printable characters (including the space character) and non-printable (control) characters are defined in Paragraph 40 of WIPO Standard ST.26 (2020); and (3) be named as *.xml, where “*” is one character or a combination of characters limited to upper- or lowercase letters, numbers, hyphens, and underscores and the name does not exceed 60 characters in total, excluding the extension. No spaces or other types of characters are permitted in the file name.

Section 1.834(b) is proposed to be added to require that the “Sequence Listing XML” must be in a single file containing the sequence information and be submitted either: (1) Electronically via the USPTO patent electronic filing system, where the file size must not exceed 100 MB and file compression is not permitted; or (2) on read-only optical disc(s) in compliance with § 1.52(e), where (i) a file that is not compressed must be contained on a single read-only optical disc, (ii) the file may be compressed using WinZip®, 7-Zip, or Unix®/Linux® Zip, (iii) a compressed file must not be self-extracting, and (iv) a compressed XML file that does not fit on a single read-only optical disc may be split into multiple file parts in accordance with the target read-only optical disc size and labeled in compliance with § 1.52(e)(5)(vi).

Section 1.835: Section 1.835 is proposed to be added to provide the requirements for submission of an amendment to add or replace a “Sequence Listing XML” for applications filed on or after January 1, 2022.

Section 1.835(a) is proposed to be added to require that any amendment to a patent application adding an initial submission of a “Sequence Listing XML” as required by § 1.831(a) after the application filing date must include: (1) A “Sequence Listing XML” file submitted either (i) via the USPTO patent electronic filing system or (ii) on a read-only optical disc in compliance with § 1.52(e); (2) an instruction to amend the specification to include an incorporation by reference statement of the material in the “Sequence Listing XML” file, identifying the name of the file, the date of creation, and the size of the file in bytes (see § 1.77(b)(5)(ii)), except when submitted to the United States International Preliminary Examining Authority for an

international application; (3) a statement that indicates the basis for the amendment, with specific references to particular parts of the application as originally filed (specification, claims, drawings) for all sequence data in the “Sequence Listing XML”; and (4) a statement that the “Sequence Listing XML” includes no new matter.

Section 1.835(b) is proposed to be added to require that any amendment adding to, deleting from or replacing sequence information in a “Sequence Listing XML” submitted as required by § 1.831(a) must include: (1) A replacement “Sequence Listing XML” containing the entire “Sequence Listing XML,” including any additions, deletions, or replacements of sequence information, and shall be submitted either (i) via the USPTO patent electronic filing system, or (ii) on a read-only optical disc, in compliance with § 1.52(e) labeled as “REPLACEMENT MM/DD/YYYY” (with the month, day, and year of creation indicated); (2) an instruction to amend the specification to include an incorporation by reference statement of the material in the replacement “Sequence Listing XML” file that identifies the name of the file, the date of creation, and the size of the file in bytes (see § 1.77(b)(5)(ii)), except when the replacement “Sequence Listing XML” is submitted to the United States International Preliminary Examining Authority for an international application; (3) a statement that identifies the location of all additions, deletions or replacements of sequence information relative to the replaced “Sequence Listing XML”; (4) a statement that indicates the support for the additions, deletions or replacements of the sequence information, with specific references to particular parts of the application as originally filed (specification, claims, drawings) for all amended sequence data in the replacement “Sequence Listing XML”; and (5) a statement that the replacement “Sequence Listing XML” includes no new matter.

Section 1.835(c) is proposed to be added to require that the specification of a complete application with a “Sequence Listing XML” as required under § 1.831(a) present on the application filing date but without an incorporation by reference of the material contained in the “Sequence Listing XML” file must be amended to contain a separate paragraph incorporating by reference the material contained in the “Sequence Listing XML” file, in accordance with § 1.77(b)(5)(ii), except for international applications.

Section 1.835(d)(1) is proposed to be added to provide that when any of the requirements of §§ 1.831 through 1.834 is not satisfied in an application under 35 U.S.C. 111(a) or in a national stage application under 35 U.S.C. 371, the applicant will be notified and given a period of time within which to comply with such requirements in order to prevent abandonment of the application. The proposed rule indicates that subject to § 1.835(d)(2), any amendment to add or replace a “Sequence Listing XML” in reply to a requirement under this paragraph must be submitted in accordance with the requirements of § 1.835(a) through (c).

Section 1.835(d)(2) is proposed to be added to explicitly provide that compliance with § 1.835(a) through (c) is not required for submission of a “Sequence Listing XML” that is solely an English translation of a previously submitted “Sequence Listing XML” that contains non-English values for the invention title (as per § 1.833(b)(3)) and/or any language-dependent free text elements (as per § 1.833(b)(4)). The required submission will be a translated “Sequence Listing XML” in compliance with §§ 1.831 through 1.834. Updated values for attributes in the root element (§ 1.833(b)(2)(iii)) or elements of the general information part (§ 1.833(b)(2)(iv)) are not considered amendments for purposes of complying with § 1.835(a) through (c). Even though §§ 1.52(b)(1)(ii) and 1.495(c)(1)(i) require a translation for applications filed under 111(a) and for those entering the national stage, respectively, this proposed rule makes explicit that when a translated “Sequence Listing XML” is provided as a reply to a notice that the “Sequence Listing XML” contains non-English values for the invention title and/or any language-dependent free text elements, and the translation does not include deletions, additions or replacement of sequence information, the translated “Sequence Listing XML” need not comply with the requirements for an amended “Sequence Listing XML” as set forth in § 1.835(a) through (c).

Section 1.835(e) is proposed to be added to provide that when any of the requirements of §§ 1.831 through 1.834 are not satisfied at the time of filing an international application under the PCT where the application is to be searched by the United States International Searching Authority or examined by the United States International Preliminary Examining Authority, the applicant may be sent a notice calling for compliance with the requirements within a prescribed time period. Under PCT Rule 13ter, applicant can provide, in reply to

such a requirement or otherwise, a sequence listing which is a “Sequence Listing XML” in accordance with § 1.831(a). The “Sequence Listing XML” must be accompanied by a statement that the information recorded does not go beyond the disclosure in the international application as filed. It must also be accompanied by the late furnishing fee set forth in § 1.445(a)(5). If the applicant fails to timely provide the required “Sequence Listing XML,” the United States International Searching Authority shall search only to the extent that a meaningful search can be performed without the “Sequence Listing XML,” and the United States International Preliminary Examining Authority shall examine only to the extent that a meaningful examination can be performed without the “Sequence Listing XML.”

Section 1.835(f) is proposed to be added to provide that any appropriate amendments to the “Sequence Listing XML” in a patent (e.g., by reason of reissue, reexamination, or certificate of correction) must comply with the requirements of paragraph (b) of this section.

Section 1.839: Section 1.839 is proposed to be added to provide the location of WIPO Standard ST.26 (2020) that is being incorporated by reference.

III. Rulemaking Considerations

A. Administrative Procedure Act: The changes proposed in this rulemaking involve rules of agency practice and procedure, and/or interpretive rules. See *Bachow Commc'ns Inc. v. FCC*, 237 F.3d 683, 690 (D.C. Cir. 2001) (rules governing an application process are procedural under the Administrative Procedure Act); *Inova Alexandria Hosp. v. Shalala*, 244 F.3d 342, 350 (4th Cir. 2001) (rules for handling appeals are procedural where they do not change the substantive standard for reviewing claims); *Nat'l Org. of Veterans' Advocates v. Sec'y of Veterans Affairs*, 260 F.3d 1365, 1375 (Fed. Cir. 2001) (rule that clarifies interpretation of a statute is interpretive).

Accordingly, prior notice and opportunity for public comment for the changes proposed in this rulemaking are not required pursuant to 5 U.S.C. 553(b) or (c), or any other law. See *Cooper Techs. Co. v. Dudas*, 536 F.3d 1330, 1336–37 (Fed. Cir. 2008) (stating that 5 U.S.C. 553, and thus 35 U.S.C. 2(b)(2)(B), do not require notice and comment rulemaking for “interpretative rules, general statements of policy, or rules of agency organization, procedure, or practice” (quoting 5 U.S.C. 553(b)(A))). However, the USPTO has chosen to seek public comment before

implementing the rule to benefit from the public's input.

B. Regulatory Flexibility Act: Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), whenever an agency is required by 5 U.S.C. 553 (or any other law) to publish a notice of proposed rulemaking (NPRM), the agency must prepare and make available for public comment an Initial Regulatory Flexibility Analysis, unless the agency certifies under 5 U.S.C. 605(b) that the proposed rule, if implemented, will not have a significant economic impact on a substantial number of small entities. 5 U.S.C. 603, 605.

For the reasons set forth herein, the Senior Counsel for Regulatory and Legislative Affairs of the USPTO has certified to the Chief Counsel for Advocacy of the Small Business Administration that this rule will not have a significant economic impact on a substantial number of small entities. See 5 U.S.C. 605(b).

The USPTO proposes to amend the rules of practice to require submission of biological sequence data in eXtensible Markup Language where the rules of practice incorporate by reference WIPO Standard ST.26, "Recommended Standard for the Presentation of Nucleotide and Amino Acid Sequence Listings Using XML (eXtensible Markup Language)" as disclosed in the WIPO Handbook on Industrial Property Information and Documentation.

This rulemaking would make more technical data associated with biotechnology inventions available to the public because the new rules of practice based on WIPO Standard ST.26 (2020) provide for enhanced biological sequence data related to disclosures of nucleotides and amino acids in patent applications. WIPO Standard ST.26 provides clear rules as to what must be included in a sequence listing and how sequences must be represented, for example, standardization of representation of modified nucleic acids and amino acids as well as variants derived from primary sequences. WIPO Standard ST.26 contains a guidance document that demonstrates the requirement for inclusion and representation of biological sequence data. As a result, patent applicants will have a clearer understanding as to the requirements and presentation of biological sequence data in a compliant sequence listing under WIPO Standard ST.26. Additionally, since WIPO Standard ST.26 only allows XML format, applicants will not be burdened or confused with the requirements of filing a sequence listing in paper or PDF format, and IPOs will not be burdened

with processing paper sequence listings and performing necessary checks on the contents of the paper documents. This rulemaking's proposed changes are largely procedural in nature, and do not impose any additional requirements or fees on applicants. For the foregoing reasons, the changes proposed in this NPRM will not have a significant economic impact on a substantial number of small entities.

C. Executive Order 12866 (Regulatory Planning and Review): This rulemaking has been determined to be not significant for purposes of Executive Order 12866 (Sept. 30, 1993).

D. Executive Order 13563 (Improving Regulation and Regulatory Review): The USPTO has complied with Executive Order 13563 (Jan. 18, 2011). Specifically, to the extent feasible and applicable, the USPTO has (1) reasonably determined that the benefits of the rule justify its costs; (2) tailored the rule to impose the least burden on society consistent with obtaining the agency's regulatory objectives; (3) selected a regulatory approach that maximizes net benefits; (4) specified performance objectives; (5) identified and assessed available alternatives; (6) involved the public in an open exchange of information and perspectives among experts in relevant disciplines, affected stakeholders in the private sector, and the public as a whole, and provided online access to the rulemaking docket; (7) attempted to promote coordination, simplification, and harmonization across government agencies and identified goals designed to promote innovation; (8) considered approaches that reduce burdens while maintaining flexibility and freedom of choice for the public; and (9) ensured the objectivity of scientific and technological information and processes.

E. Executive Order 13132 (Federalism): This rulemaking does not contain policies with federalism implications sufficient to warrant preparation of a Federalism Assessment under Executive Order 13132 (Aug. 4, 1999).

F. Executive Order 13175 (Tribal Consultation): This rulemaking will not (1) have substantial direct effects on one or more Indian tribes; (2) impose substantial direct compliance costs on Indian tribal governments; or (3) preempt tribal law. Therefore, a tribal summary impact statement is not required under Executive Order 13175 (Nov. 6, 2000).

G. Executive Order 13211 (Energy Effects): This rulemaking is not a significant energy action under Executive Order 13211 because this

rulemaking is not likely to have a significant adverse effect on the supply, distribution, or use of energy. Therefore, a Statement of Energy Effects is not required under Executive Order 13211 (May 18, 2001).

H. Executive Order 12988 (Civil Justice Reform): This rulemaking meets applicable standards to minimize litigation, eliminate ambiguity, and reduce burden as set forth in sections 3(a) and 3(b)(2) of Executive Order 12988 (Feb. 5, 1996).

I. Executive Order 13045 (Protection of Children): This rulemaking does not concern an environmental risk to health or safety that may disproportionately affect children under Executive Order 13045 (Apr. 21, 1997).

J. Executive Order 12630 (Taking of Private Property): This rulemaking will not effect a taking of private property or otherwise have taking implications under Executive Order 12630 (Mar. 15, 1988).

K. Congressional Review Act: Under the Congressional Review Act provisions of the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 801 *et seq.*), prior to issuing any final rule, the USPTO will submit a report containing the final rule and other required information to the United States Senate, the United States House of Representatives, and the Comptroller General of the Government Accountability Office. The changes in this rulemaking are not expected to result in an annual effect on the economy of \$100 million or more, a major increase in costs or prices, or significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets. Therefore, this rulemaking is not expected to result in a "major rule" as defined in 5 U.S.C. 804(2).

L. Unfunded Mandates Reform Act of 1995: The changes set forth in this rulemaking do not involve a Federal intergovernmental mandate that will result in the expenditure by State, local, and tribal governments, in the aggregate, of \$100 million (as adjusted) or more in any one year, or a Federal private sector mandate that will result in the expenditure by the private sector of \$100 million (as adjusted) or more in any one year, and will not significantly or uniquely affect small governments. Therefore, no actions are necessary under the provisions of the Unfunded Mandates Reform Act of 1995. See 2 U.S.C. 1501 *et seq.*

M. National Environmental Policy Act of 1969: This rulemaking will not have

any effect on the quality of the environment and is thus categorically excluded from review under the National Environmental Policy Act of 1969. See 42 U.S.C. 4321 *et seq.*

N. National Technology Transfer and Advancement Act of 1995: The requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) are not applicable because this rulemaking does not contain provisions that involve the use of technical standards.

O. Paperwork Reduction Act of 1995: The Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3549) requires that the USPTO consider the impact of paperwork and other information collection burdens imposed on the public. In accordance with section 3507(d) of the Paperwork Reduction Act of 1995, the majority of the paperwork and other information collection burdens discussed in this proposed rule have already been approved under the following Office of Management and Budget (OMB) Control Numbers: 0651–0024 (Sequence Listing), 0651–0031 (Patent Processing), 0651–0032 (Initial Patent Applications), and 0651–0064 (Patent Reexaminations and Supplemental Examinations).

Modifications to 0651–0024 because of this proposed rulemaking will be submitted to OMB for approval prior to this rule becoming effective. Modifications include the removal of the Sequence Listing in Application (paper), which will result in a reduction in burden associated with this information collection. The USPTO estimates that this information collection’s annual burden will decrease by 5,000 responses and 30,000 burden hours. These burden estimates are based on the current OMB approved burdens (response volumes) associated with this information collection, which may be different from any forecasts mentioned in other parts of this proposed rule.

The changes discussed in this proposed rule do not affect the information collection requirements or burdens associated with 0651–0031, 0651–0032 and 0651–0064 listed above; therefore, the USPTO does not plan to take any additional actions on these information collections as a result of this rulemaking. Notwithstanding any other provision of law, no person is 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 has a currently valid OMB control number.

P. E-Government Act Compliance: The USPTO is committed to compliance with the E-Government Act to promote the use of the internet and other information technologies, to provide increased opportunities for citizen access to Government information and services, and for other purposes.

List of Subjects in 37 CFR Part 1

Administrative practice and procedure, Biologics, Courts, Freedom of information, Incorporation by reference, Inventions and patents, Reporting and recordkeeping requirements, Small businesses.

For the reasons stated in the preamble and under the authority contained in 35 U.S.C. 2, as amended, the USPTO proposes to further amend 37 CFR part 1 (as proposed to be amended at 86 FR 28301 (May 26, 2021)) as follows:

PART 1—RULES OF PRACTICE IN PATENT CASES

- 1. The authority citation for 37 CFR part 1 continues to read as follows:

Authority: 35 U.S.C. 2(b)(2), unless otherwise noted.

- 2. Section 1.52 is amended by:
 - a. Revising paragraph (e)(1)(ii);
 - b. Removing the period at the end of paragraph (e)(3)(iii) and adding “; and” in its place;
 - c. Adding paragraph (e)(3)(iv); and
 - d. Revising paragraphs (e)(7), (f)(1) introductory text, (f)(1)(i), (f)(2) introductory text, (f)(2)(i), and (f)(3).

The revisions and addition read as follows:

§ 1.52 Language, paper, writing, margins, read-only optical disc specifications.

* * * * *

(e) * * *

(1) * * *

(ii) A “Sequence Listing” (submitted under § 1.821(c) in compliance with § 1.824) or a “Sequence Listing XML” (submitted under § 1.831(a) in compliance with §§ 1.832 through 1.834); or

* * * * *

(3) * * *

(iv) The contents of each read-only optical disc for a “Sequence Listing XML” must be in XML file format, and if compressed, must be compressed in accordance with § 1.834.

* * * * *

(7) Any amendment to the information on a read-only optical disc must be by way of a replacement read-only optical disc, in compliance with § 1.58(g) for “Large Tables,” § 1.96(c)(5) for a “Computer Program Listing Appendix,” § 1.825(b) for a “Sequence

Listing” or Computer Readable Form (CRF) of a “Sequence Listing,” and § 1.835(b) for a “Sequence Listing XML.”

* * * * *

(f) * * *

(1) *Submission on read-only optical discs.* The application size fee required by § 1.16(s) or § 1.492(j), for an application component submitted in part on a read-only optical disc in compliance with paragraph (e) of this section, shall be determined such that each three kilobytes of content submitted on a read-only optical disc shall be counted as a sheet of paper. Excluded from this determination is any ASCII plain text file or any XML file (as applicable) submitted on a read-only optical disc under paragraph (e) of this section containing:

(i) Any “Sequence Listing” or CRF of a “Sequence Listing” in compliance with § 1.821(c) or (e), or any “Sequence Listing XML” in compliance with § 1.831(a); or

* * * * *

(2) *Submission via the USPTO patent electronic filing system.* The application size fee required by § 1.16(s) or § 1.492(j), for an application submitted in whole or in part via the USPTO patent electronic filing system, shall be determined such that the paper size equivalent will be considered to be 75% of the number of sheets of paper present in the specification and drawings of the application when entered into the Office records after being rendered by the USPTO patent electronic filing system. Excluded from this determination is any ASCII plain text file or any XML file (as applicable) submitted via the USPTO patent electronic filing system containing:

(i) Any “Sequence Listing” or CRF of a “Sequence Listing,” in compliance with § 1.821(c) or (e) or any “Sequence Listing XML” in compliance with § 1.831(a); or

* * * * *

(3) *Oversized submission.* Any submission of a “Sequence Listing” in electronic form or a “Sequence Listing XML” of 300 MB–800 MB filed in an application under 35 U.S.C. 111 or 371 will be subject to the fee set forth in § 1.21(o)(1). Any submission of a “Sequence Listing” in electronic form or a “Sequence Listing XML” that exceeds 800 MB filed in an application under 35 U.S.C. 111 or 371 will be subject to the fee set forth in § 1.21(o)(2).

■ 3. Section 1.53 is amended by revising paragraph (c)(4) to read as follows:

§ 1.53 Application number, filing date, and completion of application.

* * * * *

(c) * * *

(4) A provisional application is not entitled to the right of priority under 35 U.S.C. 119, 365(a), or 386(a) or § 1.55, or to the benefit of an earlier filing date under 35 U.S.C. 120, 121, 365(c), or 386(c) or § 1.78 of any other application. No claim for priority under 35 U.S.C. 119(e) or § 1.78(a) may be made in a design application based on a provisional application. A provisional application disclosing nucleotide and/or amino acid sequences is not required to include a separate sequence listing; however, if submitted in a provisional application filed on or after January 1, 2022, any submission of biological sequence data must be a “Sequence Listing XML” in compliance with §§ 1.831 through 1.834.

* * * * *

■ 4. Section 1.77 is amended by revising paragraph (b)(5) to read as follows:

§ 1.77 Arrangement of application elements.

* * * * *

(b) * * *

(5) An incorporation by reference statement regarding the material on the:

(i) One or more ASCII plain text files, submitted via the USPTO patent electronic filing system or on one or more read-only optical discs (see § 1.52(e)(8)), identifying the names of each file, the date of creation of each file, and the size of each file in bytes, for the following document types:

(A) A “Computer Program Listing Appendix” (see § 1.96(c));

(B) A “Sequence Listing” (see § 1.821(c)); or

(C) “Large Tables” (see § 1.58(c)).

(ii) eXtensible Markup Language (XML) file of the Sequence Listing (“Sequence Listing XML”), submitted via an USPTO patent electronic filing system or on one or more read-only optical discs (see § 1.52(e)(8)), identifying the names of each file, the date of creation of each file, and the size of each file in bytes (§ 1.831(a)).

* * * * *

■ 5. Section 1.121 is amended by revising paragraphs (b) introductory text and (b)(6) read as follows:

§ 1.121 Manner of making amendments in applications.

* * * * *

(b) *Specification.* Amendments to the specification, other than the claims, “Large Tables” (§ 1.58(c)), a “Computer Program Listing Appendix” (§ 1.96(c)(5) and (7)), a “Sequence Listing” or CRF (§ 1.825), or “Sequence Listing XML”’s (§ 1.835), must be made by adding, deleting, or replacing a paragraph, by replacing a section, or by a substitute

specification, in the manner specified in this section.

* * * * *

(6) “Large Tables,” a “Computer Program Listing Appendix,” a “Sequence Listing,” or a “Sequence Listing XML.” Changes to “Large Tables,” a “Computer Program Listing Appendix,” a “Sequence Listing,” or a “Sequence Listing XML” must be made in accordance with § 1.58(g) for “Large Tables,” § 1.96(c)(5) for a “Computer Program Listing Appendix,” § 1.825 for a “Sequence Listing,” and § 1.835 for a “Sequence Listing XML.”

* * * * *

■ 6. Section 1.173 is amended by revising paragraphs (b)(1) and (d) introductory text to read as follows:

§ 1.173 Reissue specification, drawings, and amendments.

* * * * *

(b) * * *

(1) *Specification other than the claims, “Large Tables” (§ 1.58(c)), a “Computer Program Listing Appendix” (§ 1.96(c)), a “Sequence Listing” (§ 1.821(c)) or a “Sequence Listing XML” (§ 1.831(a)).* (i) Changes to the specification, other than to the claims, “Large Tables” (§ 1.58(c)), a “Computer Program Listing Appendix” (§ 1.96(c)), a “Sequence Listing” (§ 1.821(c)) or a “Sequence Listing XML” (§ 1.831(a)), must be made by submission of the entire text of an added or rewritten paragraph, including markings pursuant to paragraph (d) of this section, except that an entire paragraph may be deleted by a statement deleting the paragraph, without presentation of the text of the paragraph. The precise point in the specification where any added or rewritten paragraph is located must be identified.

(ii) Changes to “Large Tables,” a “Computer Program Listing Appendix,” a “Sequence Listing,” or a “Sequence Listing XML” must be made in accordance with § 1.58(g) for “Large Tables,” § 1.96(c)(5) for a “Computer Program Listing Appendix,” § 1.825 for a “Sequence Listing,” and § 1.835 for a “Sequence Listing XML.”

* * * * *

(d) *Changes shown by markings.* Any changes relative to the patent being reissued that are made to the specification, including the claims but excluding “Large Tables,” a “Computer Program Listing Appendix,” a “Sequence Listing,” or a “Sequence Listing XML”, upon filing or by an amendment paper in the reissue application, must include the following markings:

* * * * *

■ 7. Section 1.211 is amended by revising paragraph (c) to read as follows:

§ 1.211 Publication of applications.

* * * * *

(c) An application filed under 35 U.S.C. 111(a) will not be published until it includes the basic filing fee (§ 1.16(a) or (c)) and any English translation required by § 1.52(d). The Office may delay publishing any application until it includes any application size fee required by the Office under § 1.16(s) or § 1.492(j), a specification having papers in compliance with § 1.52 and an abstract (§ 1.72(b)), drawings in compliance with § 1.84, a “Sequence Listing” in compliance with §§ 1.821 through 1.825 (if applicable) for an application filed before January 1, 2022, a “Sequence Listing XML” in compliance with §§ 1.831 through 1.835 (if applicable) for an application filed on or after January 1, 2022, and the inventor’s oath or declaration or application data sheet containing the information specified in § 1.63(b).

* * * * *

■ 8. Section 1.495 is amended by revising paragraph (c)(5) to read as follows:

§ 1.495 Entering the national stage in the United States of America.

* * * * *

(c) * * *

(5) Translations of a “Sequence Listing:” For international applications having an international filing date before January 1, 2022, a “Sequence Listing” need not be translated if the “Sequence Listing” complies with PCT Rule 12.1(d) and the description complies with PCT Rule 5.2(b). For international applications having an international filing date on or after January 1, 2022, for purposes of paragraph (c)(1)(i) of this section, an English translation is required for any “Sequence Listing” in XML format containing non-English language values for the invention title/and or any language-dependent free text qualifiers in accordance with §§ 1.831 through 1.834.

* * * * *

■ 9. Section 1.530 is amended by revising paragraph (d)(1) to read as follows:

§ 1.530 Statement by patent owner in *ex parte* reexamination; amendment by patent owner in *ex parte* or *inter partes* reexamination; inventorship change in *ex parte* or *inter partes* reexamination.

* * * * *

(d) * * *

(1) *Specification other than the claims, “Large Tables” (§ 1.58(c)), a*

“Computer Program Listing Appendix” (§ 1.96(c)), a “Sequence Listing” (§ 1.821(c)) or a “Sequence Listing XML” (§ 1.831(a)). (i) Changes to the specification, other than to the claims, “Large Tables” (§ 1.58(c)), a “Computer Program Listing Appendix” (§ 1.96(c)), a “Sequence Listing” (§ 1.821(c)), or a “Sequence Listing XML” (§ 1.831(a)), must be made by submission of the entire text of an added or rewritten paragraph, including markings pursuant to paragraph (f) of this section, except that an entire paragraph may be deleted by a statement deleting the paragraph, without presentation of the text of the paragraph. The precise point in the specification where any added or rewritten paragraph is located must be identified.

(ii) Changes to “Large Tables,” a “Computer Program Listing Appendix,” a “Sequence Listing,” or a “Sequence Listing XML” must be made, in accordance with § 1.58(g) for “Large Tables,” § 1.96(c)(5) for a “Computer Program Listing Appendix,” § 1.825 for a “Sequence Listing,” and § 1.835 for a “Sequence Listing XML.”

* * * * *

■ 10. Section 1.704 is amended by revising paragraph (f) to read as follows:

§ 1.704 Reduction of period of adjustment of patent term.

* * * * *

(f) An application filed under 35 U.S.C. 111(a) is in condition for examination when the application includes a specification, including at least one claim and an abstract (§ 1.72(b)), and has papers in compliance with § 1.52, drawings (if any) in compliance with § 1.84, any English translation required by § 1.52(d) or § 1.57(a), a sequence listing in compliance with §§ 1.821 through 1.825 (if applicable), a “Sequence Listing XML” in compliance with §§ 1.831 through 1.835 (if applicable), an inventor’s oath or declaration or an application data sheet containing the information specified in § 1.63(b), the basic filing fee (§ 1.16(a) or (c)), the search fee (§ 1.16(k) or (m)), the examination fee (§ 1.16(o) or (q)), any certified copy of the previously filed application required by § 1.57(a), and any application size fee required by the Office under § 1.16(s). An international application is in condition for examination when the application has entered the national stage as defined in § 1.491(b), and includes a specification, including at least one claim and an abstract (§ 1.72(b)), and has papers in compliance with § 1.52, drawings (if any) in compliance with § 1.84, a sequence listing in compliance with

§§ 1.821 through 1.825 (if applicable), a “Sequence Listing XML” in compliance with §§ 1.831 through 1.835 (if applicable), the inventor’s oath or declaration or an application data sheet containing the information specified in § 1.63(b), the search fee (§ 1.492(b)), the examination fee (§ 1.492(c)), and any application size fee required by the Office under § 1.492(j). An application shall be considered as having papers in compliance with § 1.52, drawings (if any) in compliance with § 1.84, and a sequence listing in compliance with §§ 1.821 through 1.825 (if applicable) or a “Sequence Listing XML” in compliance with §§ 1.831 through 1.835 (if applicable), for purposes of this paragraph (f) on the filing date of the latest reply (if any) correcting the papers, drawings, or sequence listing that is prior to the date of mailing of either an action under 35 U.S.C. 132 or a notice of allowance under 35 U.S.C. 151, whichever occurs first.

■ 11. Sections 1.831 through 1.835 and 1.839 are added to read as follows:

Sec.
1.831 Requirements for patent applications filed on or after January 1, 2022, having nucleotide and/or amino acid sequence disclosures.

1.832 Representation of nucleotide and/or amino acid sequence data in the “Sequence Listing XML” part of a patent application filed on or after January 1, 2022.

1.833 Requirements for a “Sequence Listing XML” for nucleotide and/or amino acid sequences as part of a patent application filed on or after January 1, 2022.

1.834 Form and format for nucleotide and/or amino acid sequence submissions as the “Sequence Listing XML” in patent applications filed on or after January 1, 2022.

1.835 Amendment to add or replace a “Sequence Listing XML” in patent applications filed on or after January 1, 2022.

1.839 Incorporation by reference.

* * * * *

§ 1.831 Requirements for patent applications filed on or after January 1, 2022, having nucleotide and/or amino acid sequence disclosures.

(a) Patent applications disclosing nucleotide and/or amino acid sequences by enumeration of their residues, as defined in paragraph (b) of this section, must contain, as a separate part of the disclosure, a computer readable Sequence Listing in XML (eXtensible Markup Language) format (a “Sequence Listing XML”). Disclosed nucleotide or amino acid sequences that do not meet the definition of paragraph (b) of this section must not be included in the “Sequence Listing XML.” The “Sequence Listing XML” contains the

sequence information of the nucleotides and/or amino acids disclosed in the patent application using the symbols and format in accordance with the requirements of §§ 1.832 through 1.834.

(b) Nucleotide and/or amino acid sequences as used in §§ 1.831 through 1.835, encompass:

(1) An unbranched sequence or linear region of a branched sequence containing 4 or more specifically defined amino acids, wherein the amino acids form a single peptide backbone; or

(2) An unbranched sequence or linear region of a branched sequence of 10 or more specifically defined nucleotides, wherein adjacent nucleotides are joined by:

(i) A 3’ to 5’ (or 5’ to 3’) phosphodiester linkage; or

(ii) Any chemical bond that results in an arrangement of adjacent nucleobases that mimics the arrangement of nucleobases in naturally occurring nucleic acids, (*i.e.*, nucleotide analogs).

(c) Where the description or claims of a patent application discuss a sequence that is set forth in the “Sequence Listing XML” in accordance with paragraph (a) of this section, reference must be made to the sequence by use of the sequence identifier, preceded by SEQ ID NO: Or the like in the text of the description or claims, even if the sequence is also embedded in the text of the description or claims of the patent application.

(d) “Enumeration of its residues” means disclosure of a nucleotide or amino acid sequence in a patent application by listing, in order, each residue of the sequence, where the residues are represented in the manner as defined in WIPO Standard ST.26 (2020) (incorporated by reference, see § 1.839), paragraph 3(c)(i) or (ii).

(e) “Specifically defined” means any amino acid or nucleotide as defined in WIPO Standard ST.26 (2020), paragraph 3(m).

(f) “Amino acid” includes any D- or L-amino acid or modified amino acid as defined in WIPO Standard ST.26 (2020), paragraph 3(a).

(g) “Modified amino acid” includes any amino acid as described in WIPO Standard ST.26 (2020), paragraph 3(g).

(h) “Nucleotide” includes any nucleotide, nucleotide analog or modified nucleotide as defined in WIPO Standard ST.26 (2020), paragraphs 3(h) and 3(i).

(i) “Modified nucleotide” includes any nucleotide as described in WIPO Standard ST.26 (2020), paragraph 3(h).

§ 1.832 Representation of nucleotide and/or amino acid sequence data in the “Sequence Listing XML” part of a patent application filed on or after January 1, 2022.

(a) Each disclosed nucleotide or amino acid sequence that meets the requirements of § 1.831(b) must appear separately in the “Sequence Listing XML”. Each sequence set forth in the “Sequence Listing XML” must be assigned a separate sequence identifier. The sequence identifiers must begin with 1 and increase sequentially by integers as defined in WIPO Standard ST.26 (2020) (incorporated by reference, see § 1.839), paragraph 10.

(b) The representation and symbols for nucleotide sequence data shall conform to the requirements of paragraphs (b)(1) through (4) of this section.

(1) A nucleotide sequence must be represented in the manner described in WIPO Standard ST.26 (2020), paragraphs 11–12.

(2) All nucleotides, including nucleotide analogs, modified nucleotides, and “unknown” nucleotides, within a nucleotide sequence must be represented using the symbols set forth in WIPO Standard ST.26 (2020), paragraphs 13–16, 19 and 21.

(3) Modified nucleotides within a nucleotide sequence must be described in the manner discussed in WIPO Standard ST.26 (2020), paragraphs 17–18, and 19.

(4) A region containing a known number of contiguous “a”, “c”, “g”, “t”, or “n” residues for which the same description applies may be jointly described in the manner described in WIPO Standard ST.26 (2020), paragraph 22.

(c) The representation and symbols for amino acid sequence data shall conform to the requirements of paragraphs (c)(1) through (4) of this section.

(1) The amino acids in an amino acid sequence must be represented in the manner described in WIPO Standard ST.26 (2020), paragraphs 24–25.

(2) All amino acids, including modified amino acids and “unknown” amino acids, within an amino acid sequence must be represented using the symbols set forth in WIPO Standard ST.26 (2020), paragraphs 26–29 and 32.

(3) Modified amino acid within an amino acid sequence must be described in the manner discussed in WIPO Standard ST.26 (2020), paragraphs 29 and 30.

(4) A region containing a known number of contiguous “X” residues for which the same description applies may be jointly described in the manner

described in WIPO Standard ST.26 (2020), paragraph 34.

(d) A nucleotide and/or amino acid sequence that is constructed as a single continuous sequence derived from one or more non-contiguous segments of a larger sequence or from segments of different sequences must be listed in a sequence listing in the manner described in WIPO Standard ST.26 (2020), paragraph 35.

(e) A nucleotide and/or amino acid sequence that contains regions of specifically defined residues separated by one or more regions of contiguous “n” or “X” residues, wherein the exact number of “n” or “X” residues in each region is disclosed, must be listed in a sequence listing in the manner described in WIPO Standard ST.26 (2020), paragraph 36.

(f) A nucleotide and/or amino acid sequence that contains regions of specifically defined residues separated by one or more gaps of an unknown or undisclosed number of residues must be listed in a sequence listing in the manner described in WIPO Standard ST.26 (2020), paragraph 37.

§ 1.833 Requirements for a “Sequence Listing XML” for nucleotide and/or amino acid sequences as part of a patent application filed on or after January 1, 2022.

(a) The “Sequence Listing XML” as required by § 1.831(a) must be presented as a single file in XML 1.0 encoded using Unicode UTF–8 where the character set complies with WIPO Standard ST.26 (2020) (incorporated by reference, see § 1.839), paragraphs 40 and 41 and Annex IV *thereof*.

(b) The “Sequence Listing XML” as required by § 1.833(a) must:

(1) Be valid according to the Document Type Definition (DTD) as presented in Annex II of WIPO Standard ST.26 (2020).

(2) Comply with the requirements of WIPO Standard ST.26 (2020) to include:

(i) An XML declaration as defined in WIPO Standard ST.26 (2020), paragraph 39;

(ii) A document type (DOCTYPE) declaration as defined in WIPO Standard ST.26 (2020), paragraph 39;

(iii) A root element as defined in WIPO Standard ST.26 (2020), paragraph 43;

(iv) A general information part that complies with the requirements of WIPO Standard ST.26 (2020), paragraphs 45, 47 and 48, as applicable; and

(v) A sequence data part that complies with the requirements of WIPO Standard ST.26 (2020), paragraphs 50–55, 57–58, 60–69, 71–78, 80–87, 89–98 and 100, as applicable.

(3) Include one InventionTitle element in the English language, in the format required by WIPO Standard ST.26 (2020), paragraphs 45 and 48, and as required by § 1.52(b)(1)(ii).

(4) Include an INSDQualifier value element with a value in the English language for any language-dependent free text qualifier as defined by WIPO Standard ST.26 (2020), paragraphs 76 and 85–88, and as required by § 1.52(b)(1)(ii).

§ 1.834 Form and format for nucleotide and/or amino acid sequence submissions as the “Sequence Listing XML” in patent applications filed on or after January 1, 2022.

(a) A “Sequence Listing XML” encoded using Unicode UTF–8, created by any means (*e.g.*, text editors, nucleotide/amino acid sequence editors, or other custom computer programs) in accordance with §§ 1.831 through 1.833, must:

(1) Have the following compatibilities:

(i) Computer compatibility: PC or Mac®; and

(ii) Operating system compatibility: MS-DOS®, MS-Windows®, Mac OS®, or Unix®/Linux®.

(2) Be in XML format, where all permitted printable characters (including the space character) and non-printable (control) characters are defined in WIPO Standard ST.26 (2020) (incorporated by reference, see § 1.839), paragraph 40.

(3) Be named as *.xml, where “*” is one character or a combination of characters limited to upper- or lowercase letters, numbers, hyphens, and underscores and the name does not exceed 60 characters in total, excluding the extension. No spaces or other types of characters are permitted in the file name.

(b) The “Sequence Listing XML” must be in a single file containing the sequence information and be submitted either:

(1) Electronically via the USPTO patent electronic filing system, where the file size must not exceed 100 MB, and file compression is not permitted; or

(2) On read-only optical disc(s) in compliance with § 1.52(e), where:

(i) A file that is not compressed must be contained on a single read-only optical disc;

(ii) The file may be compressed using WinZip®, 7-Zip, or Unix®/Linux® Zip;

(iii) A compressed file must not be self-extracting; and

(iv) A compressed XML file that does not fit on a single read-only optical disc may be split into multiple file parts, in accordance with the target read-only

optical disc size, and labeled in compliance with § 1.52(e)(5)(vi).

§ 1.835 Amendment to add or replace a “Sequence Listing XML” in patent applications filed on or after January 1, 2022.

(a) Any amendment to a patent application adding an initial submission of a “Sequence Listing XML” as required by § 1.831(a) after the application filing date must include:

(1) A “Sequence Listing XML” in accordance with §§ 1.831 through 1.834, submitted as an XML file:

(i) Via the USPTO patent electronic filing system; or

(ii) On a read-only optical disc, in compliance with § 1.52(e);

(2) A request to amend the specification to include an incorporation by reference statement of the material in the “Sequence Listing XML” file, identifying the name of the file, the date of creation, and the size of the file in bytes (see § 1.77(b)(5)(ii)), except when submitted to the United States International Preliminary Examining Authority for an international application;

(3) A statement that indicates the basis for the amendment, with specific references to particular parts of the application as originally filed (specification, claims, drawings) for all sequence data in the “Sequence Listing XML;” and

(4) A statement that the “Sequence Listing XML” includes no new matter.

(b) Any amendment adding to, deleting from, or replacing sequence information in a “Sequence Listing XML” submitted as required by § 1.831(a) must include:

(1) A replacement “Sequence Listing XML” in accordance with the requirements of §§ 1.831 through 1.834 containing the entire “Sequence Listing XML” including any additions, deletions, or replacements of sequence information, and shall be submitted:

(i) Via the USPTO patent electronic filing system; or

(ii) On a read-only optical disc, in compliance with § 1.52(e) labeled as “REPLACEMENT MM/DD/YYYY” (with the month, day, and year of creation indicated);

(2) A request to amend the specification to include an incorporation by reference statement of the material in the replacement “Sequence Listing XML” file that identifies the name of the file, the date of creation, and the size of the file in bytes (see § 1.77(b)(5)(ii)), except when the replacement “Sequence Listing XML” is submitted to the United States International Preliminary Examining

Authority for an international application;

(3) A statement that identifies the location of all additions, deletions, or replacements of sequence information relative to replaced “Sequence Listing XML;”

(4) A statement that indicates the support for the additions, deletions, or replacements of the sequence information, with specific references to particular parts of the application as originally filed (specification, claims, drawings) for all amended sequence data in the replacement “Sequence Listing XML;” and

(5) A statement that the replacement “Sequence Listing XML” includes no new matter.

(c) The specification of a complete application, filed on the application filing date, with a “Sequence Listing XML” as required under § 1.831(a), without an incorporation by reference of the material contained in the “Sequence Listing XML” file, must be amended to contain a separate paragraph incorporating by reference the material contained in the “Sequence Listing XML” file, in accordance with § 1.77(b)(5)(ii), except for international applications.

(d)(1) If any of the requirements of §§ 1.831 through 1.834 are not satisfied in an application under 35 U.S.C. 111(a) or in a national stage application under 35 U.S.C. 371, the applicant will be notified and given a period of time within which to comply with such requirements in order to prevent abandonment of the application. Subject to paragraph (d)(2) of this section, any amendment to add or replace a “Sequence Listing XML” in reply to a requirement under this paragraph (d)(1) must be submitted in accordance with the requirements of paragraphs (a) through (c) of this section.

(2) Compliance with paragraphs (a) through (c) of this section is not required for submission of a “Sequence Listing XML” that is solely an English translation of a previously submitted “Sequence Listing XML” that contains non-English values for the invention title (as per § 1.833(b)(3)) and/or any language-dependent free text elements (as per § 1.833(b)(4)). The required submission will be a translated “Sequence Listing XML” in compliance with §§ 1.831 through 1.834. Updated values for attributes in the root element (§ 1.833(b)(2)(iii)) or elements of the general information part (§ 1.833(b)(2)(iv)) are not considered amendments for purposes of complying with paragraphs (a) through (c) of this section.

(e) If any of the requirements of §§ 1.831 through 1.834 are not satisfied at the time of filing an international application under the PCT where the application is to be searched by the United States International Searching Authority or examined by the United States International Preliminary Examining Authority, the applicant may be sent a notice necessitating compliance with the requirements within a prescribed time period. Under PCT Rule 13^{ter} applicant can provide, in reply to such a requirement or otherwise, a sequence listing which is a “Sequence Listing XML” in accordance with § 1.831(a). The “Sequence Listing XML” must be accompanied by a statement that the information recorded does not go beyond the disclosure in the international application as filed. It must also be accompanied by the late furnishing fee set forth in § 1.445(a)(5). If the applicant fails to timely provide the required “Sequence Listing XML,” the United States International Searching Authority shall search only to the extent that a meaningful search can be performed without the “Sequence Listing XML,” and the United States International Preliminary Examining Authority shall examine only to the extent that a meaningful examination can be performed without the “Sequence Listing XML.”

(f) Any appropriate amendments to the “Sequence Listing XML” in a patent (e.g., by reason of reissue, reexamination, or certificate of correction) must comply with the requirements of paragraph (b) of this section.

§ 1.839 Incorporation by reference.

(a) Certain material is incorporated by reference into this subpart with the approval of the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. All approved material is available for inspection at The United States Patent and Trademark Office, Office of Patent Legal Administration, 571–272–7701, and from the sources listed elsewhere in this section. It is also available for inspection 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 www.archives.gov/federal-register/cfr/ibr-locations.html.

(b) World Intellectual Property Organization (WIPO); 34 chemin des Colombettes; 1211 Geneva 20 Switzerland, www.wipo.int.

(1) WIPO Standard ST.26 (2020). WIPO Handbook on Industrial Property Information and Documentation, Standard ST.26: Recommended

Standard for the Presentation of Nucleotide and Amino Acid Sequence Listings Using XML (eXtensible Markup Language) (2020), including Annexes I–VII (www.wipo.int/export/sites/www/standards/en/pdf/03-26-01.pdf); IBR approved for §§ 1.831 through 1.834. (2) [Reserved]

Andrew Hirshfeld,

Commissioner for Patents, Performing the Functions and Duties of the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

[FR Doc. 2021–14325 Filed 7–2–21; 8:45 am]

BILLING CODE 3510–16–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

49 CFR Part 385

[Docket No. FMCSA–2021–0063]

RIN 2126–AC40

Incorporation by Reference; North American Standard Out-of-Service Criteria; Hazardous Materials Safety Permits

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking.

SUMMARY: FMCSA proposes amendments to its Hazardous Materials Safety Permits regulations to incorporate by reference the updated Commercial Vehicle Safety Alliance (CVSA) handbook containing inspection procedures and Out-of-Service Criteria (OOSC) for inspections of shipments of transuranic waste and highway route controlled quantities of radioactive material. The OOSC provide enforcement personnel nationwide, including FMCSA’s State partners, with uniform enforcement tolerances for inspections. Currently, the regulations reference the April 1, 2019, edition of the handbook. Through this document, FMCSA proposes to incorporate by reference the April 1, 2021 edition.

DATES: Comments on this document must be received on or before August 5, 2021.

ADDRESSES: You may submit comments identified by Docket Number FMCSA 2021–0063 using any of the following methods:

- *Federal eRulemaking Portal:* <https://www.regulations.gov/docket/FMCSA-2021-0063/document>. 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 or Courier:* West Building, Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., 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.

- *Fax:* (202) 493–2251.

To avoid duplication, please use only one of these four methods. See the “Public Participation and Request for Comments” portion of the **SUPPLEMENTARY INFORMATION** section for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: Mr. José Cestero, Vehicle and Roadside Operations Division, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, (202) 366–5541, jose.cestero@dot.gov. If you have questions on viewing or submitting material to the docket, contact Dockets Operations, (202) 366–9826.

SUPPLEMENTARY INFORMATION: This notice of proposed rulemaking (NPRM) is organized as follows:

- I. Public Participation and Request for Comments
 - A. Submitting Comments
 - B. Viewing Comments and Documents
 - C. Privacy Act
 - D. Advance Notice of Proposed Rulemaking Not Required
- II. Executive Summary
- III. Legal Basis for the Rulemaking
- IV. Background
- V. Discussion of Proposed Rulemaking
- VI. International Impacts
- VII. Section-by-Section Analysis
- VIII. Regulatory Analyses
 - A. E.O. 12866 (Regulatory Planning and Review), E.O. 13563 (Improving Regulation and Regulatory Review), and DOT Regulations
 - B. Congressional Review Act
 - C. Regulatory Flexibility Act (Small Entities)
 - D. Assistance for Small Entities
 - E. Unfunded Mandates Reform Act of 1995
 - F. Paperwork Reduction Act
 - G. E.O. 13132 (Federalism)
 - H. Privacy
 - I. E.O. 13175 (Indian Tribal Governments)
 - J. National Environmental Policy Act of 1969

I. Public Participation and Request for Comments

A. Submitting Comments

If you submit a comment, please include the docket number for this NPRM (Docket No. FMCSA–2021–

0063), indicate the specific section of this document to which your 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 <https://www.regulations.gov/docket/FMCSA-2021-0063/document>, click on this NPRM, click “Comment,” and type your comment into the text box on the following screen.

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.

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 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 that constitutes CBI as “PROPIN” to indicate it contains proprietary information. FMCSA 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 Mr. Brian Dahlin, Chief, Regulatory Analysis Division, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE, Washington DC 20590–0001. Any comments FMCSA receives which are not specifically designated as CBI will be placed in the public docket for this rulemaking.

B. Viewing Comments and Documents

To view documents mentioned in this preamble as being available in the

docket, go to <https://www.regulations.gov/docket/FMCSA-2021-0063/document> and choose the document to review. To view comments, click this NPRM, 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, between 9 a.m. and 5 p.m., 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.dot.gov/privacy.

D. Advance Notice of Proposed Rulemaking Not Required

Under 49 U.S.C. 31136(g), FMCSA is required to publish an advance notice of proposed rulemaking (ANPRM) or proceed with a negotiated rulemaking, if a proposed rule is likely to lead to the promulgation of a major rule. As this proposed rule is not likely to result in the promulgation of a major rule, the Agency is not required to issue an ANPRM or to proceed with a negotiated rulemaking.

II. Executive Summary

This NPRM proposes to update an incorporation by reference found at 49 CFR 385.4(b)(1) and referenced at § 385.415(b). The provision at § 385.4(b)(1) currently references the April 1, 2019, edition of CVSA's handbook titled "North American Standard Out-of-Service Criteria and Level VI Inspection Procedures and Out-of-Service Criteria for Commercial Highway Vehicles Transporting Transuranics and Highway Route Controlled Quantities of Radioactive Materials as defined in 49 CFR part 173.403." The CVSA handbook contains inspection procedures and Out-of-Service Criteria (OOSC) for inspections of shipments of transuranic waste and highway route controlled quantities of radioactive material. The OOSC, while not regulations, provide enforcement personnel nationwide, including FMCSA's State partners, with uniform enforcement tolerances for inspections.

The material is available, and will continue to be available, for inspection at the FMCSA, Office of Enforcement and Compliance, 1200 New Jersey Avenue SE, Washington, DC 20590 (Attention: Chief, Compliance Division) at (202) 366-1812. The document may be purchased from the Commercial Vehicle Safety Alliance, 6303 Ivy Lane, Suite 310, Greenbelt, MD 20770, telephone (301) 830-6143, www.cvsa.org.

In this NPRM, FMCSA proposes to incorporate by reference the April 1, 2021, edition of the handbook. FMCSA did not update § 385.4(b) to incorporate by reference the April 1, 2020, edition of the handbook. This NPRM will discuss all updates to the currently incorporated 2019 edition of the handbook, including the updates made in the April 1, 2020, edition of the handbook.

Twenty-one updates distinguish the April 1, 2021, handbook edition from the 2019 edition. The incorporation by reference of the 2021 edition does not impose new regulatory requirements.

III. Legal Basis for the Rulemaking

Congress has enacted several statutory provisions to ensure the safe transportation of hazardous materials in interstate commerce. Specifically, in provisions codified at 49 U.S.C. 5105(d), relating to inspections of motor vehicles carrying certain hazardous material, and 49 U.S.C. 5109, relating to motor carrier safety permits, the Secretary of Transportation is required to promulgate regulations as part of a comprehensive safety program on hazardous materials safety permits. The FMCSA Administrator has been delegated authority under 49 CFR 1.87(d)(2) to carry out the rulemaking functions vested in the Secretary of Transportation. Consistent with that authority, FMCSA has promulgated regulations under 49 CFR part 385, subpart E to address the congressional mandate on hazardous materials safety permits. Those regulations are the underlying provisions to which the material incorporated by reference discussed in this document is applicable.

IV. Background

In 1986, the U.S. Department of Energy and CVSA entered into a cooperative agreement to develop a higher level of inspection procedures, out-of-service (OOS) conditions and/or criteria, an inspection decal, and a training and certification program for inspectors to conduct inspections on shipments of transuranic waste and highway route controlled quantities of

radioactive material. CVSA developed the North American Standard Level VI Inspection Program for Transuranic Waste and Highway Route Controlled Quantities of Radioactive Material. This inspection program for select radiological shipments includes inspection procedures, enhancements to the North American Standard Level I Inspection, radiological surveys, CVSA Level VI decal requirements, and the "North American Standard Out-of-Service Criteria and Level VI Inspection Procedures and Out-of-Service Criteria for Commercial Highway Vehicles Transporting Transuranics and Highway Route Controlled Quantities of Radioactive Materials as defined in 49 CFR part 173.403." As of January 1, 2005, all vehicles and carriers transporting highway route controlled quantities of radioactive material are regulated by the U.S. Department of Transportation. All highway route controlled quantities of radioactive material must pass the North American Standard Level VI Inspection prior to the shipment being allowed to travel in the United States. All highway route controlled quantities of radioactive material shipments entering the United States must also pass the North American Standard Level VI Inspection either at the shipment's point of origin or when the shipment enters the United States.

Section 385.415 of title 49, Code of Federal Regulations, prescribes operational requirements for motor carriers transporting hazardous materials for which a hazardous materials safety permit is required. Section 385.415(b) requires that motor carriers ensure a pre-trip inspection is performed on each motor vehicle to be used to transport a highway route controlled quantity of a Class 7 (radioactive) material, in accordance with the requirements of CVSA's handbook titled "North American Standard Out-of-Service Criteria and Level VI Inspection Procedures and Out-of-Service Criteria for Commercial Highway Vehicles Transporting Transuranics and Highway Route Controlled Quantities of Radioactive Materials as defined in 49 CFR part 173.403."

According to 2015-2019 data from FMCSA's Motor Carrier Management Information System (MCMIS), approximately 3.34 million Level I-Level VI inspections were performed annually. Nearly 97 percent of these

were Level I,¹ Level II,² and Level III³ inspections. During the same period, an average of 611 Level VI inspections were performed annually, comprising only 0.02 percent of all inspections. On average, OOS violations were cited in only 7.8 Level VI inspections annually (2 percent), whereas on average, OOS violations were cited in 266,025 Level I inspections (25 percent), 275,840 Level II inspections (23 percent), and 61,201 Level III inspections (6 percent) annually. As these statistics demonstrate, OOS violations are cited in a far lower percentage of Level VI inspections than Level I, II, and III inspections, due largely to the enhanced oversight and inspection of these vehicles because of the sensitive nature of the cargo being transported.

The changes to the 2021 and 2020 editions of the CVSA handbook are intended to ensure clarity in the presentation of the OOS conditions and are generally editorial or ministerial. As discussed below, FMCSA does not expect the changes made in the 2021 edition of the CVSA handbook to affect the number of OOS violations cited during Level VI inspections.

V. Discussion of Proposed Rulemaking

Section 385.4(b)(1), as amended on February 24, 2020 (85 FR 10307), references the April 1, 2019, edition of the CVSA handbook. This NPRM proposes to amend § 385.4(b)(1) by replacing the reference to the April 1, 2019, edition date with a reference to the new edition date of April 1, 2021.

CVSA also published a 2020 edition of the handbook in the period between the February 24, 2020, final rule and the publishing of the 2021 edition. FMCSA did not publish an update to the incorporation by reference in § 385.4(b)(1) with the April 1, 2020, edition of the handbook. This NPRM will therefore discuss the updates included in the 2020 and 2021 editions of the handbook. The changes made based on the 2020 and 2021 editions of the handbook are outlined below. It is necessary to update the materials incorporated by reference to ensure motor carriers and enforcement officials have convenient access to the correctly

identified inspection criteria referenced in the rules.

April 1, 2020, Changes

Seventeen changes in the 2020 edition of the CVSA handbook distinguish it from the April 1, 2019 edition:

(1) The title of Part I, Item 2.a. was amended to clarify that “. . . vehicles that, regardless of GVWR, do not require a commercial driver’s license (CDL) (e.g., exempt farm vehicles or fire apparatuses, etc.)” (2020 CVSA handbook, page 11) are included in this section of the OOSC. Currently, this section applies only to vehicles with a gross vehicle weight rating (GVWR) of 26,000 lbs. or less, not designed to transport 16 or more passengers or placarded loads of hazardous materials. Under the current wording, a driver cannot be placed OOS for not having the proper class of driver’s license, for having a suspended/revoked license, or for being unlicensed when operating a vehicle over 26,000 pounds GVWR and exempt from the requirements to have a CDL. However, and because the FMCSRs include a number of regulatory exceptions to the CDL requirements, there are numerous other vehicle types over 26,000 pounds GVWR that may have non-CDL drivers (e.g., covered farm vehicles, intrastate farm vehicles, emergency vehicles, etc.). This clarification will not have any effect on the number of OOS violations cited during Level VI inspections, as all drivers transporting hazardous materials are required to have a CDL.

(2) The note in Part I, Item 2.b., and Part I, Item 3.c., was amended to clarify that in Canada, a “valid” Canadian Transportation of Dangerous Goods (TDG) training certificate is required. Canadian TDG training certificates require certain informational items be identified; language was added to the note to clarify that a training certificate is considered invalid and the driver should be placed OOS if it is missing that required information. This update will ensure a uniform approach to Canadian TDG training certificate validity. This clarification is not expected to have any effect on the number of OOS violations cited during Level VI inspections in the U.S.

(3) The title of Part I, Item 7., was amended by removing the language “AS IDENTIFIED UNDER SECTION 392.4(a)” because the OOS violations now listed in this section are not all located in § 392.4(a). In addition, CVSA added a new OOS item to address drivers who are recorded in the Drug and Alcohol Clearinghouse as prohibited from performing safety-sensitive functions per § 382.501(a) as a

result of failing an alcohol or drug test. FMCSA records indicate that no driver-related OOS violations have been issued as a result of a Level VI inspection in the past 3 years. The changes are intended to ensure clarity in the presentation of the OOS conditions and are not expected to affect the number of OOS violations cited during Level VI inspections.

(4) Footnote 14 to Part I, Item 9., was amended to remove the reference to automatic on-board recording devices (AOBRDs), and a note was added to Footnotes 11–14 of the same section. The reference to AOBRDs in Footnote 14 was removed because the grandfather clause permitting use of AOBRDs expired on December 16, 2019, and therefore the reference to AOBRDs in Footnote 14 is no longer relevant. Since December 2017, the information in the ‘NOTE’ outlines the policy that CVSA has used for placing drivers out of service for electronic logging device (ELD) violations. Similar information is listed in FMCSA’s Frequently Asked Questions document on ELDs. The CVSA Driver-Traffic Enforcement Committee voted to add this information as a note relative to Footnotes 11–14. The changes are intended to ensure clarity in the presentation of the OOS conditions and are not expected to affect the number of OOS violations cited during Level VI inspections.

(5) Part I, Item 10.h., regarding records of duty status (RODS) in Canada was amended to remove the provision for a driver to be placed OOS for a period of 72 hours for not producing a daily log. Recent changes to the Canadian federal hours-of-service (HOS) regulations have eliminated the ability of an officer/inspector to place a driver OOS for 72 hours for not producing a daily log. Under the new regulations, a driver is placed OOS only for the number of hours required to have the driver provide a compliant daily log. This amendment is applicable only to the enforcement of Canadian HOS regulations and will not have any effect on the number of OOS violations cited during Level VI inspections in the United States.

(6) Footnote 2 to Part I, Item 10., regarding RODS in Canada was amended to reduce the time a driver can be behind on his/her daily log and not be declared OOS. Given the recent changes to the Canadian federal HOS regulations as discussed above, and because the 72-hour timeframe to place a driver OOS for no production of a log book was removed, it was deemed appropriate to reduce the time a driver can be behind on his/her log before

¹ Level I is a 37-step inspection procedure that involves examination of the motor carrier’s and driver’s credentials, record of duty status, the mechanical condition of the vehicle, and any hazardous materials/dangerous goods that may be present.

² Level II is a driver and walk-around vehicle inspection, involving the inspection of items that can be checked without physically getting under the vehicle.

³ Level III is a driver-only inspection that includes examination of the driver’s credentials and documents.

being placed OOS. The timeframe was reduced from the current day plus the previous day to the current day only. This amendment is applicable only to the enforcement of Canadian HOS regulations and will not have any effect on the number of OOS violations cited during Level VI inspections in the United States.

(7) Part I, Item 11., was amended by (1) replacing the OOSC for Mexico to reflect the requirements in NOM-087-SCT-2-2017, and (2) adding footnotes to that section. NOM-087-SCT-2-2017 are Mexico's CMV regulatory requirements. Mexico recently updated its HOS Official Mexican Standards (Norma Oficial Mexicana) (NOMs), and this update required changes to the OOSC. CVSA worked with Mexico to make these updates, and Mexico approved the amendments as written for use in Mexico for OOS conditions. This amendment is applicable only to the enforcement of Mexican HOS regulations and will not have any effect on the number of OOS violations cited during Level VI inspections in the United States.

(8) The charts for "Clamp Type Brake Chamber Data" and "Long Stroke Clamp Type Brake Chamber Data" in Part II, Item 1.a., were amended to add a new column listing the SAE J2899 markings found on brake chambers. SAE J2899, "Brake Adjustment Limit for Air Brake Actuators," was issued in December 2013 and revised in June 2017, and was developed to provide an alternative way of determining the size and allowable stroke of a brake chamber. Manufacturers have the option to cast a marking permanently onto the center section of the brake chamber using the letters "A" through "H." The markings are easy to see and indicate the rated stroke and pushrod stroke of the chamber without the need to measure the diameter or determine if it is long or short stroke. This marking method reduces the likelihood that an inspector will either (1) pass a vehicle that should be OOS, or (2) place a vehicle OOS that is within acceptable operating conditions. The CVSA Vehicle Committee voted unanimously to add a column in the charts in Part II, Item 1.a. that lists the SAE J2899 markings found on brake chambers. FMCSA records indicate that no violations or OOS violations have been issued regarding brakes being out of adjustment as a result of a Level VI inspection in the past 3 years. The changes are intended to ensure clarity in the presentation of the OOS conditions and are not expected to affect the number of OOS violations cited during Level VI inspections.

(9) Part II, Item 1., was amended to add a clarification that a parking brake needs to be held by mechanical means. Clarification was necessary regarding whether (1) the mechanical holding of the parking brake should be required, or (2) applying the parking brake with hand pressure and holding it with hand pressure is adequate. Specifically, in cases where the actuator cannot hold the parking brake in the applied position, it was unclear whether the vehicle should be placed OOS. Following discussion with brake industry experts, the CVSA Vehicle Committee confirmed that Federal Motor Vehicle Safety Standard Nos. 105 and 121 require the parking brake to be held by a mechanical means. FMCSA records indicate that no OOS violations have been issued regarding parking brakes as a result of a Level VI inspection in the past 3 years. The changes are intended to ensure clarity in the presentation of the OOS conditions and are not expected to affect the number of OOS violations cited during Level VI inspections.

(10) The title of Part II, Item 11.d., was amended to remove sway bars from the OOSC. The CVSA Vehicle Committee determined that sway bars provide comfort, not stability, and that they are not a critical vehicle inspection item. As such, the CVSA Vehicle Committee determined that missing or loose sway bars should not be an OOS condition. This amendment also requires a supporting edit to Note 2 in Part II, Item 11.b., that references the title to Part II, Item 11.d. FMCSA records indicate that no OOS violations have been issued regarding sway bars as a result of a Level VI inspection in the past 3 years. As such, and because the changes eliminate an existing OOS condition, the changes will not affect the number of OOS violations cited during Level VI inspections.

(11) Part II, Item 12.a.9., and Part II, Item 12.b.4., were amended to clarify that the OOS condition refers to a wheel end on an axle. In response to questions regarding whether the tire loading restriction in § 393.75(g) of the FMCSRs applies to (1) a wheel end on an axle, or (2) a single tire on an axle, or (3) whether the entire axle must exceed the tire weight rating in order to constitute an OOS condition, the CVSA Vehicle Committee determined that exceeding the tire load limits should apply to the wheel end. The OOS condition applies when the tire or dual set exceeds the applicable load rating on the sidewall of the tire(s), and the language was amended to reflect this condition. FMCSA records indicate that no OOS violations have been issued regarding

tire loading restrictions as a result of a Level VI inspection in the past 3 years. The changes are intended to ensure clarity in the presentation of the OOS conditions and are not expected to affect the number of OOS violations cited during Level VI inspections.

(12) Part II, Item 16.a., was amended to add new OOS conditions for emergency exits on passenger-carrying vehicles that are marked as such, but that are not necessarily required to be installed by regulation. Language was added to this section to clarify that passenger-carrying vehicles with marked emergency exits that are obstructed should be declared OOS, whether such exits are required to be installed or not. The new criteria were also separated to reference marked required exits, versus other marked exits, and the revised criteria clearly articulate the items/conditions that constitute an OOS condition. As this change applies only to passenger-carrying vehicles, it will not have any effect on the number of OOS violations cited during Level VI inspections, which are applicable to carriers transporting transuranics and highway route controlled quantities of radioactive materials.

(13) Part III, Item 3.c., was amended to modify: (1) The title of this section; and (2) the OOS condition to include terminology adopted in Canada's TDG Regulations. While the previous title of this section referred only to "Bulk Package Authorization," Canada's TDG Regulations do not reference bulk packages, but instead reference and define the term "large means of containment." The Canadian Education Quality Assurance Team (EQAT)—Dangerous Goods Working Group requested addition of the Canadian terminology in the OOSC to improve uniform application of the OOS condition. Adding "large means of containment" to the OOSC will make it easier for Canadian inspectors to interpret the criteria. The changes are intended to ensure clarity in the presentation of the OOS conditions and are not expected to affect the number of OOS violations cited during Level VI inspections.

(14) Part III, Item 3.d., was amended by adding a note regarding manhole covers. The CVSA Hazardous Materials Committee contacted the Truck Trailer Manufacturers Association to discuss manhole securement with the Tank Engineering Committee. The committee agreed that all fasteners on the dome need to be engaged and hand tightened to be considered closed and secured. Based on this information, the committee voted to add a note to the

OOSC to clarify that an OOS condition exists when any manhole cover securement device is missing or unsecured. The change is intended to ensure clarity in the presentation of the OOS condition and is not expected to affect the number of OOS violations cited during Level VI inspections.

(15) The title of Part III, Item 6., was amended to include terminology adopted in Canada's TDG Regulations. While the previous title of this section referred only to "Non-Bulk Packaging," Canada's TDG Regulations do not reference non-bulk packaging, but instead reference and define the term "small means of containment." The Canadian EQAT—Dangerous Goods Working Group requested the addition of Canadian terminology in the title to improve uniform application of the OOS condition. Adding "small means of containment" to the OOSC will make it easier for Canadian inspectors to interpret the criteria. The change is intended to ensure clarity in the presentation of the OOS conditions and is not expected to affect the number of OOS violations cited during Level VI inspections.

(16) Part III, Item 10.a., regarding requirements pertaining to Canada's Emergency Response Assistance Plan (ERAP) was amended to specify that certain ERAP information must be on the shipping document. The Canadian EQAT—Dangerous Goods Working Group indicated that for first responders to activate an ERAP, the ERAP reference number and implementation telephone number must be listed on the shipping document. Currently, the OOSC only allows inspectors to place a shipment OOS if the carrier/consignor does not have an approved ERAP at all. Situations have arisen where the ERAP reference number/activation telephone number was not listed on the shipping document, and inspectors were not able to place the dangerous goods shipment OOS as intended. This additional language specifies that this information is required. This amendment is applicable only to Canada's ERAP, and will not have any effect on the number of OOS violations cited during Level VI inspections in the United States.

(17) The Level VI Inspection Procedures were amended by adding Step 36, "Proof of Periodic (Annual) Inspection." Currently, there is no language in the Level VI Inspection Procedures addressing the required periodic (annual) inspection. Adding this item will require each unit to have evidence that a periodic inspection was conducted and satisfactorily completed before a CVSA Level VI decal can be applied by the inspector during a point

of origin inspection only. As this is not an OOS condition for the Level VI Inspection, this amendment will not have any effect on the number of OOS violations cited during Level VI inspections.

April 1, 2021, Changes

Four changes in the 2021 edition of the CVSA handbook distinguish it from the April 1, 2020 edition:

(1) Footnotes 5–8 to Part I, Item 9., were amended to remove language that repeats the FMCSRs. The CVSA Driver-Traffic Enforcement Committee determined that there is no reason to repeat information in the OOSC that is contained in §§ 395.1 and 395.3. Quoting the FMCSRs in the footnotes could potentially confuse an inspector as there are other applicable exemptions that are not addressed in the footnotes. The footnotes, 5–8, were removed and reserved because other documents refer to these notes and renumbering them could cause confusion. The changes are intended to ensure clarity in the presentation of the OOS conditions and are not expected to affect the number of OOS violations cited during Level VI inspections.

Footnote 10 to Part I, Item 9., was amended to clarify that AOBRDs cannot be used in place of a compliant ELD. However, some carriers are exempt from using ELDs and they may still use AOBRDs. Language was added to this footnote to clarify that drivers who are not required to have an ELD that complies with § 395.22(a), but who utilize an electronic device other than those described in the regulations, shall not be declared OOS. The amendment is intended to ensure clarity in the presentation of the OOS conditions and is not expected to affect the number of OOS violations cited during Level VI inspections.

(2) In Part I, Items 10.h. and 10.i., regarding RODS in Canada, were amended to include terminology based on the pending implementation of the ELD requirement, effective June 12, 2021. A note was also added to Footnotes 1–2 of the same section. The terminology in Canada's regulation will change from "daily log" to "RODS." However, there will be some Provinces/Territories that will continue to use the daily log terminology in their Provincial/Territorial regulations. The Driver-Traffic Enforcement Committee determined that the appropriate action would be to refer to both terms to make the OOSC applicable to all drivers. These amendments are applicable only to Canada's RODS, and will not have any effect on the number of OOS

violations cited during Level VI inspections in the United States.

(3) Part I, Item 10., regarding RODS in Canada was amended by adding a footnote 6 to indicate that a driver who is found without an ELD but is still completing another form of a RODS will currently not be placed OOS. This enforcement action is different from that applicable in the U.S., so the note was added for Canadian inspectors to reference, similar to the note for the U.S. (Footnote 10, Part I, Item 9. United States). The amendment is applicable only to Canada's RODS, and will not have any effect on the number of OOS violations cited during Level VI inspections in the United States.

(4) Part II, Item 9.b., was amended to clarify that an inoperative center high-mounted stop lamp(s) that is required by regulation is considered a critical vehicle inspection item, but not considered for OOS purposes. The CVSA-critical vehicle inspection item list and the OOSC include "Lighting devices (headlamps, tail lamps, stop lamps, turn signals, and lamps/flags on projecting loads)." In both the United States and Canada, there are regulations requiring some smaller vehicles to be equipped with center high-mounted stop lamp(s) and they must be maintained and operational; however, on larger vehicles, they are optional. Therefore, in those cases where center high-mounted stop lamp(s) are required, the vehicle will still require at least one brake light in addition to the center high-mounted stop lamp(s) to avoid being placed OOS. The amendment is intended to ensure clarity in the presentation of the OOS conditions and is not expected to affect the number of OOS violations cited during Level VI inspections.

VI. International Impacts

The FMCSRs, and any exceptions to the FMCSRs, apply only within the United States (and, in some cases, United States territories). Motor carriers and drivers are subject to the laws and regulations of the countries in which they operate, unless an international agreement states otherwise. Drivers and carriers should be aware of the regulatory differences among nations.

The CVSA is an organization representing Federal, State, and Provincial motor carrier safety enforcement agencies in the United States, Canada, and Mexico. The OOSC provide uniform enforcement tolerances for inspections conducted in all three countries.

VII. Section-by-Section Analysis

Section 385.4 Matter Incorporated by Reference

Section 385.4(b)(1), as amended on February 24, 2020, references the April 1, 2019, edition of the CVSA handbook. This NPRM would replace the reference to the April 1, 2019, edition date with a reference to the new edition date of April 1, 2021.

VIII. Regulatory Analyses

A. Executive Order (E.O.) 12866 (Regulatory Planning and Review), E.O. 13563 (Improving Regulation and Regulatory Review), and DOT Regulations

FMCSA has considered the impact of this proposed rule under E.O. 12866 (58 FR 51735, Oct. 4, 1993), Regulatory Planning and Review, E.O. 13563 (76 FR 3821, Jan. 21, 2011), Improving Regulation and Regulatory Review, and DOT's regulatory policies and procedures. OIRA determined that this proposed rule is not a significant regulatory action under section 3(f) of E.O. 12866, as supplemented by E.O. 13563, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. Accordingly, OMB has not reviewed it under these Orders.

The proposed rule, if finalized, would update an incorporation by reference from the April 1, 2019, edition to the April 1, 2021, edition of CVSA's handbook titled "North American Standard Out-of-Service Criteria and Level VI Inspection Procedures and Out-of-Service Criteria for Commercial Highway Vehicles Transporting Transuranics and Highway Route Controlled Quantities of Radioactive Materials as defined in 49 CFR part 173.403." FMCSA reviewed its MCMIS data on inspections performed from 2015 to 2019 and does not expect the handbook updates to have any effect on the number of OOS violations cited during Level VI inspections. Therefore, the proposed rule's impact would be de minimis.

B. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801, *et seq.*), the Office of Information and Regulatory Affairs (OIRA) designated this rulemaking as not a "major rule," as defined by 5 U.S.C. 804(2).⁴

⁴ A "major rule" means any rule that the Administrator of OIRA at OMB finds has resulted in or is likely to result in (a) an annual effect on the economy of \$100 million or more; (b) a major increase in costs or prices for consumers, individual industries, Federal agencies, State agencies, local government agencies, or geographic regions; or (c)

C. Regulatory Flexibility Act (Small Entities)

The Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*) (RFA), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121, 110 Stat. 857), requires Federal agencies to consider the effects of the regulatory action on small business and other small entities and to minimize any significant economic impact. The term "small entities" comprises small businesses and 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 (5 U.S.C. 601(6)). Accordingly, DOT policy requires an analysis of the impact of all regulations on small entities, and mandates that agencies strive to lessen any adverse effects on these businesses. None of the updates from the 2021 edition imposes new requirements or makes substantive changes to the FMCSRs.

When an Agency issues a rulemaking proposal, the RFA requires the Agency to "prepare and make available an initial regulatory flexibility analysis" that will describe the impact of the proposed rule on small entities (5 U.S.C. 603(a)). Section 605 of the RFA allows an agency to certify a rule, instead of preparing an analysis, if the proposed rule is not expected to impact a substantial number of small entities. The proposed rule would update an incorporation by reference found at 49 CFR 385.4(b)(1) and referenced at 49 CFR 385.415(b), and would incorporate by reference the April 1, 2021, edition of the CVSA handbook. The changes to the 2021 edition of the CVSA handbook from the 2019 edition are intended to ensure clarity in the presentation of the OOS conditions, and are generally editorial or ministerial. As noted above, FMCSA does not expect the changes made in the 2021 edition of the CVSA handbook to affect the number of OOS violations cited during Level VI inspections. Accordingly, I certify that, if promulgated, this proposed rule will not have a significant economic impact on a substantial number of small entities. FMCSA invites comments from anyone who believes there will be a significant impact on small entities from this action.

significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets (5 U.S.C. 804(2)).

D. Assistance for Small Entities

In accordance with section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996, FMCSA wants to assist small entities in understanding this rulemaking so they can better evaluate its effects on themselves and participate in the rulemaking initiative. If the rulemaking would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

Small businesses may send comments on the actions of Federal employees who enforce or otherwise determine compliance with Federal regulations to the Small Business Administration's 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 FMCSA, call 1–888–REG–FAIR (1–888–734–3247). DOT has a policy regarding the rights of small entities to regulatory enforcement fairness and an explicit policy against retaliation for exercising these rights.

E. Unfunded Mandates Reform Act of 1995

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 \$170 million (which is the value equivalent of \$100 million in 1995, adjusted for inflation to 2020 levels) or more in any one year. Though this rulemaking would not result in such an expenditure, the Agency does discuss the effects of this rulemaking elsewhere in this preamble.

F. Paperwork Reduction Act

This rulemaking contains no new information collection requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

G. E.O. 13132 (Federalism)

A rule has implications for federalism under Section 1(a) of E.O. 13132 if it has "substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and

responsibilities among the various levels of government.”

FMCSA has determined that this rulemaking would not have substantial direct costs on or for States, nor would it limit the policymaking discretion of States. Nothing in this document preempts any State law or regulation. Therefore, this rulemaking does not have sufficient federalism implications to warrant the preparation of a Federalism Impact Statement.

H. Privacy

The Consolidated Appropriations Act, 2005,⁵ requires the Agency to conduct a privacy impact assessment of a regulation that will affect the privacy of individuals. This rulemaking would not require the collection of personally identifiable information.

I. E.O. 13175 (Indian Tribal Governments)

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

J. National Environmental Policy Act of 1969

FMCSA analyzed this rulemaking for the purpose of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) and determined this action is categorically excluded from further analysis and documentation in an environmental assessment or environmental impact statement under FMCSA Order 5610.1 (69 FR 9680, March 1, 2004), Appendix 2, paragraph 6(b). This Categorical Exclusion (CE) covers minor revisions to regulations. The proposed requirements in this rulemaking are covered by this CE and the rulemaking does not have any effect on the quality of the environment.

List of Subjects in 49 CFR 385

Administrative practice and procedure, Highway safety, Incorporation by reference, Mexico, Motor carriers, Motor vehicle safety, Reporting and recordkeeping requirements.

In consideration of the foregoing, FMCSA proposes to amend 49 CFR chapter III, part 385, as set forth below:

PART 385—SAFETY FITNESS PROCEDURES

■ 1. The authority citation for part 385 continues to read as follows:

Authority: 49 U.S.C. 113, 504, 521(b), 5105(d), 5109, 5113, 13901–13905, 13908, 31135, 31136, 31144, 31148, and 31502; Sec. 113(a), Pub. L. 103–311; Sec. 408, Pub. L. 104–88, 109 Stat. 803, 958; Sec. 350 of Pub. L. 107–87, 115 Stat. 833, 864; and 49 CFR 1.87.

■ 2. Revise § 385.4(b)(1) to read as follows:

§ 385.4 Matter incorporated by reference.

* * * * *

(b) * * *

(1) “North American Standard Out-of-Service Criteria and Level VI Inspection Procedures and Out-of-Service Criteria for Commercial Highway Vehicles Transporting Transuramics and Highway Route Controlled Quantities of Radioactive Materials as defined in 49 CFR part 173.403,” April 1, 2021, incorporation by reference approved for § 385.415(b).

* * * * *

Issued under authority delegated in 49 CFR 1.87.

Meera Joshi,
Deputy Administrator.

[FR Doc. 2021–14039 Filed 7–2–21; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

49 CFR Part 393

[Docket No. FMCSA–2021–0037]

RIN 2126–AC42

Parts and Accessories Necessary for Safe Operation; Authorized Windshield Area for the Installation of Vehicle Safety Technology

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: FMCSA proposes to amend the Federal Motor Carrier Safety Regulations (FMCSRs) to increase the area within which certain vehicle safety technology devices may be mounted on the interior of the commercial motor vehicle (CMV) windshields. In addition, FMCSA proposes to add items to the definition of *vehicle safety technology*. This NPRM responds to a rulemaking petition from Daimler Trucks North America (DTNA).

DATES: Comments must be received on or before August 5, 2021.

ADDRESSES: You may submit comments identified by Docket Number FMCSA–2021–0037 using any of the following methods:

• **Federal eRulemaking Portal:** Go to <https://www.regulations.gov/docket/FMCSA-2021-0037/document>. 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 or Courier:** Dockets Operations, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., 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.

• **Fax:** (202) 493–2251.

FOR FURTHER INFORMATION CONTACT: Mr. Luke W. Loy, Vehicle and Roadside Operations Division, Office of Policy, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590–0001; (202) 366–0676; Luke.Loy@dot.gov. If you have questions on viewing or submitting material to the docket, call Dockets Operations at (202) 366–9826.

SUPPLEMENTARY INFORMATION:

FMCSA organizes this NPRM as follows:

- I. Public Participation and Request for Comments
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 - A. E.O. 12866 (Regulatory Planning and Review), E.O. 13563 (Improving Regulation and Regulatory Review), and DOT Regulatory Policies and Procedures
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 - C. Waiver of Advance Notice of Proposed Rulemaking
 - D. Regulatory Flexibility Act (Small Entities)
 - E. Assistance for Small Entities
 - F. Unfunded Mandates Reform Act of 1995

⁵ Public Law 108–447, 118 Stat. 2809, 3268, 5 U.S.C. 552a note (Dec. 8, 2004).

G. Paperwork Reduction Act (Collection of Information)
 H. E.O. 13132 (Federalism)
 I. Privacy
 J. E.O. 13175 (Indian Tribal Governments)
 K. National Environmental Policy Act of 1969

I. Public Participation and Request For Comments

A. Submitting Comments

If you submit a comment, please include the docket number for this NPRM (FMCSA–2021–0037), indicate the specific section of this document to which your 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 FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to <https://www.regulations.gov/docket/FMCSA-2021-0037/document>, click on this NPRM, click “Comment,” and type your comment into the text box on the following screen.

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.

Confidential Business Information (CBI)

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to the 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 the NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission that constitutes CBI as “PROPIN” to indicate it contains proprietary information. FMCSA will treat such marked submissions as confidential under the Freedom of Information Act, and they will not be placed in the public docket of the NPRM. Submissions containing CBI

should be sent to Mr. Brian Dahlin, Chief, Regulatory Analysis Division, Office of Policy, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590–0001. Any comments FMCSA receives not specifically designated as CBI will be placed in the public docket for this rulemaking.

B. Viewing Comments and Documents

To view documents mentioned as being available in the docket, go to <https://www.regulations.gov/docket/FMCSA-2021-0037/document> and choose the document to review. To view comments, click this NPRM, 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., 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

DOT solicits comments from the public to better inform its rulemaking process, in accordance with 5 U.S.C. 553(c). 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—Federal Docket Management System (FDMS)), which can be reviewed at www.transportation.gov/privacy.

II. Executive Summary

A. Purpose and Summary of the Regulatory Action

Section 393.60(e)(1)(i) of the FMCSRs prohibits obstruction of the driver’s field of view by devices mounted at the top of the windshield. Antennas and similar devices must not be mounted more than 152 mm (6 inches) below the upper edge of the windshield, and must be outside the driver’s sight lines to the road and highway signs and signals.

Section 393.60(e)(1)(i) does not apply to vehicle safety technologies, as defined in § 393.5, that include “a fleet-related incident management system, performance or behavior management system, speed management system, forward collision warning or mitigation system, active cruise control system, and transponder.” Section 393.60(e)(1)(ii) requires devices with vehicle safety technologies to be mounted (1) not more than 100 mm (4 inches) below the upper edge of the area

swept by the windshield wipers, or (2) not more than 175 mm (7 inches) above the lower edge of the area swept by the windshield wipers, and (3) outside the driver’s sight lines to the road and highway signs and signals.

Specifically, the Agency proposes to modify § 393.60(e)(1)(ii) to increase from 100 mm (4 inches) to 216 mm (8.5 inches) the distance below the upper edge of the area swept by the windshield wipers within which vehicle safety technologies may be mounted. The other parameters would remain unchanged. The Agency believes the potential economic impact of these changes is negligible. The proposed amendments do not impose new or more stringent requirements, but simply codify the temporary exemptions granted pursuant to 49 CFR part 381 that allow the use of the devices/technologies in locations that would previously have been a violation of § 393.60(e)(1). More importantly, the amendments do not mandate the use of any devices/technologies, but simply permit their voluntary use while mounted in a location that maximizes their effectiveness without impairing operational safety.

B. Costs and Benefits

The Agency expects that if a final rule is adopted consistent with this NPRM, it would generate cost savings for both industry and the Federal Government by reducing the overall time burden associated with the exemption request and approval process associated with 49 U.S.C. 31315 and the implementing regulations under 49 CFR part 381. The Agency estimates this NPRM would result in total annualized cost savings of \$12,184 and \$10,705 at 3 percent and 7 percent discount rates, respectively.

III. Abbreviations

ADAS Advanced Driver Assistance System
 ANPRM Advance Notice of Proposed Rulemaking
 BLS U.S. Bureau of Labor Statistics
 CE Categorical Exclusion
 CIB Crash Imminent Braking
 CMV Commercial Motor Vehicle
 DOT Department of Transportation
 DBS Dynamic Brake Support
 DTNA Daimler Trucks North America
 ECEC Employer Costs for Employee Compensation
 ELD Electronic Logging Devices
 E.O. Executive Order
 FASTAct Fixing America’s Surface Transportation Act
 FMCSA Federal Motor Carrier Safety Administration
 FMCSRs Federal Motor Carrier Safety Regulations
 FR Federal Register
 GS General Schedule
 GPS Global Positioning System

NEPA National Environmental Policy Act of 1969
 NPRM Notice of Proposed Rulemaking
 OMB Office of Management and Budget
 PIA Privacy Impact Assessment
 PII Personally Identifiable Information
 Secretary Secretary of Transportation
 U.S.C. United States Code

IV. Legal Basis for the Rulemaking

This NPRM is based on the authority of the Motor Carrier Act, 1935 [1935 Act], the Motor Carrier Safety Act of 1984 [1984 Act], and the Fixing America's Surface Transportation (FAST) Act.

The 1935 Act, as amended, provides that “[t]he Secretary of Transportation may prescribe requirements for—(1) qualifications and maximum hours of service of employees of, and safety of operation and equipment of, a motor carrier; and (2) qualifications and maximum hours-of-service of employees of, and standards of equipment of, a motor private carrier, when needed to promote safety of operation.” [49 U.S.C. 31502(b)].

The 1984 Act provides concurrent authority to regulate drivers, motor carriers, and vehicle equipment. It requires the Secretary to “prescribe regulations on commercial motor vehicle safety. The regulations shall prescribe minimum safety standards for commercial motor vehicles. At a minimum, the regulations shall ensure that—(1) commercial motor vehicles are maintained, equipped, loaded, and operated safely; (2) the responsibilities imposed on operators of commercial motor vehicles do not impair their ability to operate the vehicles safely; (3) the physical condition of operators of commercial motor vehicles is adequate to enable them to operate vehicles safely . . . ; (4) the operation of commercial motor vehicles does not have a deleterious effect on the physical condition of the operators; and (5) an operator of a commercial motor vehicle is not coerced by a motor carrier, shipper, receiver, or transportation intermediary to operate a commercial motor vehicle in violation of a regulation promulgated under this section, or chapter 51 or chapter 313 of this title.” [49 U.S.C. 31136(a)].

Section 5301 of the FAST Act directs FMCSA to exempt voluntary mounting of a vehicle safety technology on a windshield if that technology is likely to achieve a level of safety that is equivalent to or greater than the level of safety that would be achieved without the exemption [Pub. L. 114–94, 129 Stat. 1312, 1543, Dec. 4, 2015]. Section 5301(c) also specifies that any regulatory exemption for windshield-mounted technologies in effect on the

date of enactment of the FAST Act “shall be considered likely to achieve a level of safety that is equivalent to or greater than the level of safety that would be achieved absent an exemption”

This NPRM is based in part on the 1935 Act, which allows the Agency to regulate the “safety of operation and equipment” of a motor carrier and the “standards of equipment” of a motor private carrier. The requirements of 49 U.S.C. 31136 (a)(1), (2), and (4) of the 1984 Act are also applicable to this rulemaking action. The Agency proposes to amend 49 CFR part 393 to allow certain safety equipment to be mounted within the area of the windshield swept by the windshield wipers. The Agency believes that these changes will be welcomed by motor carriers and drivers alike and that coercion to violate these revised provisions, which is prohibited by § 31136(a)(5), will not be an issue. The NPRM does not involve the physical condition of drivers under § 31136(a)(3).

This NPRM rests in part on the intent of Congress expressed in section 5301 of the FAST Act to exempt safety equipment mounted within the swept area of windshields, provided such devices do not degrade operational safety.

FMCSA must consider the “costs and benefits” of any proposal before promulgating regulations (49 U.S.C. 31136(c)(2)(A), 31502(d)).

V. Background

The fundamental purpose of 49 CFR part 393, “Parts and Accessories Necessary for Safe Operation,” is to ensure that no employer shall operate a CMV, or cause or permit it to be operated, unless it is equipped in accordance with the requirements and specifications of this part. However, nothing contained in part 393 shall be construed to prohibit the use of additional equipment and accessories, not inconsistent with or prohibited by part 393, provided such equipment and accessories do not decrease the safety of operation of the CMVs on which they are used (§ 393.3).

Section 5301 of the FAST Act directed the Agency to amend the FMCSRs to allow devices to be mounted on the windshield that utilize “vehicle safety technology,” as defined in the Act. In addition, section 5301 stated that all windshield-mounted devices/technologies with a limited 2-year exemption in effect on the date of enactment were considered to meet the safety standard required for the initial exemption, *i.e.*, achieving a level of safety equivalent to, or greater than, the

level that would be achieved absent the exemption. On September 23, 2016, FMCSA published a final rule titled “Parts and Accessories Necessary for Safe Operation; Windshield-Mounted Technologies,” (81 FR 65568), which amended the FMCSRs to allow the voluntary mounting of certain devices on the interior of the windshields of CMVs, including placement within the area that is swept by the windshield wipers (49 CFR 393.60(e)(1)).

A. Temporary Exemptions

Since the Agency amended § 393.60 in 2016, FMCSA has granted a number of temporary exemptions for the placement of safety technologies and devices that require a clear forward-facing visual field for proper operation. These devices either need to be mounted within the swept area of the windshield, or should be mounted on the windshield so that the driver does not have to take his/her eyes off the road to look at the device, such as Global Positioning System (GPS) displays.

On August 3, 2017 (82 FR 36182), FMCSA granted Hino Motors a 5-year exemption from 49 CFR 393.60(e)(1) on behalf of motor carriers to operate CMVs manufactured by Hino equipped with Automated Emergency Braking/Lane Departure Warning system cameras mounted in the approximate center of the windshield such that the bottom edge of the camera is not more than 7 inches below the upper edge of the windshield and outside the driver's sight lines to all mirrors, highway signs, signals, and view of the road ahead.

On January 31, 2018 (83 FR 4543), FMCSA granted DTNA a 5-year exemption from 49 CFR 393.60(e)(1) on behalf of CMVs manufactured by DTNA equipped with the Attention Assist and Lane Departure Warning system camera mounted in the approximate center of the windshield such that the bottom edge of the camera is not more than 8.5 inches below the top of the area swept by the windshield wipers and outside the driver's sight lines to all mirrors, highway signs, signals, and view of the road ahead.

On August 22, 2018 (83 FR 42552), FMCSA granted Traditional Trucking Corporation a 5-year exemption from 49 CFR 393.60(e)(1) on behalf of motor carriers to operate CMVs equipped with GPS devices mounted (1) not more than 100 mm (4 inches) below the upper edge of the area swept by the windshield wipers; or (2) not more than 175 mm (7 inches) above the lower edge of the area swept by the windshield wipers; and (3) outside the driver's sight lines to the road and highway signs and signals.

On April 15, 2019 (84 FR 15284), FMCSA granted SmartDrive a 5-year exemption from 49 CFR 393.60(e)(1) on behalf of motor carriers to operate CMVs equipped with the SmartDrive's Advanced Driver Assistance System (ADAS) camera system mounted in the approximate center of the windshield such that the bottom edge of the camera is not more than 8 inches below the upper edge of the swept area of the windshield wiper and outside the driver's sight lines to all mirrors, highway signs, signals, and view of the road ahead.

On November 25, 2019 (84 FR 64952), FMCSA granted Navistar a 5-year exemption from 49 CFR 393.60(e)(1) on behalf of motor carriers to operate CMVs equipped with Navistar's ADAS mounted in approximately the top center of the windshield and such that the bottom edge of the camera housing is approximately 8 inches below the upper edge of the windshield, outside of the driver's normal sight lines to the road ahead, highway signs and signals, and all mirrors.

On May 21, 2020 (85 FR 31021), FMCSA granted Lytx, Inc. a 5-year exemption from 49 CFR 393.60(e)(1) on behalf of motor carriers to operate CMVs equipped with Lytx's ADAS mounted in approximately the top center of the windshield and such that the bottom edge of the camera housing is approximately 8 inches below the upper edge of the area swept by the windshield wipers, outside of the driver's normal sight lines to the road ahead, highway signs and signals, and all mirrors.

On October 9, 2020 (85 FR 64220), FMCSA granted Nauto, Inc. a 5-year exemption from 49 CFR 393.60(e)(1) on behalf of motor carriers to operate CMVs equipped with Nauto's multi-sensor device mounted in approximately the top center of the windshield and such that the bottom edge of the multi-sensor device housing is approximately 8 inches below the upper edge of the area swept by the windshield wipers, outside of the driver's normal sight lines to the road ahead, highway signs and signals, and all mirrors.

On October 28, 2020 (85 FR 68409), FMCSA granted Samsara Networks, Inc. a 5-year exemption from 49 CFR 393.60(e)(1) on behalf of motor carriers to operate CMVs equipped with Samsara's AI Dash Cam device mounted in approximately the top center of the windshield and such that the bottom edge of the AI Dash Cam device is approximately 8 inches below the upper edge of the area swept by the windshield wipers, outside of the driver's normal sight lines to the road

ahead, highway signs and signals, and all mirrors.

On November 24, 2020 (85 FR 75106), FMCSA granted J.J. Keller & Associates, Inc. a 5-year exemption from 49 CFR 393.60(e)(1) on behalf of motor carriers operating CMVs equipped with J. J. Keller's ADAS camera mounted in approximately the top center of the windshield and such that the bottom edge of the camera housing is approximately 8 inches below the upper edge of the area swept by the windshield wipers, outside of the driver's normal sight lines to the road ahead, highway signs and signals.

On December 18, 2020 (85 FR 82575), FMCSA granted Netradyne Inc. a 5-year exemption from 49 CFR 393.60(e)(1) on behalf of motor carriers operating CMV's utilizing the Netradyne Driveri® Dash Cam which is mounted near the top center of the windshield, with the bottom of the camera housing located approximately 8 inches below the top of the area swept by the windshield wipers, and outside the driver's sight lines to the road and highway signs and signals.

B. Petition for Rulemaking

On March 10, 2019, DTNA petitioned the Agency to initiate a rulemaking to amend 49 CFR 393.60, "Parts and Accessories Necessary for Safe Operation, Glazing in Specified Openings."¹ DTNA sought a revision to 49 CFR 393.60(e)(1)(ii)(A) to allow safety-enhancing technologies to be placed on the interior of the windshield within 8.5 inches below the upper edge of the area swept by the windshield wipers, which would make permanent the exemption the Agency granted DTNA in 2018. The petition also asked FMCSA to expand the definition of *vehicle safety technology*, found at § 393.5, to include additional items of equipment that are intended to promote driver, occupant, and roadway safety. These items included braking warning systems, braking assist systems, automatic emergency braking, driver camera system, attention assist warning, and traffic sign recognition.

VI. Discussion of Proposed Rulemaking

FMCSA proposes to amend § 393.60(e) to allow certain additional vehicle safety technologies to be mounted on the interior of the windshield of a CMV, within a defined portion of the swept area of the windshield. FMCSA is proposing to modify the definition of *vehicle safety technology* in § 393.5 of the FMCSRs, to

¹ The petition is available at <https://www.fmcsa.dot.gov/regulations/petitions-0>.

add technologies that had been granted temporary exemptions from § 393.60(e) since the 2016 final rule. Consistent with the terms and conditions outlined in the various temporary exemptions currently in effect, FMCSA proposes to require devices that must be mounted within the area swept by the windshield wipers to be located (1) not more than 216 mm (8.5 inches) below the upper edge, and (2) not more than 175 mm (7 inches) above the lower edge of the swept area. Additionally, and consistent with the existing regulation and the terms and conditions of the temporary exemptions, the devices would have to be located outside the driver's sight lines to the road and highway signs and signals.

Similar to the 2016 amendments to § 393.60, this NPRM proposes to update the FMCSRs in response to the development and proliferation of devices that utilize new and innovative vehicle safety technologies that did not exist at the time the previous requirements were adopted. If finalized, this NPRM rule would add GPS to the list of vehicle safety technologies even though the GPS display does not require a clear forward-facing visual field through the windshield. As discussed in the Traditional Trucking Corporation temporary exemption, GPS devices cannot be mounted to the "face" of the CMVs control panel as that area is covered with controls and displays necessary for the operation of the CMV. The GPS device can be located on top of the dash, which in many cases leaves the GPS in the same visual field as if the GPS were located on the windshield in the lower allowable area. Mounting the GPS lower on the dash would take the driver's eyes farther from the road. The size of GPS display units is approximately the same size as the currently allowed vehicle safety technologies in the driver's visual field. These devices/technologies have been proven to improve safety and vehicle operations.

The first temporary exemption from § 393.60(e)(1) was granted in March 2009, and FMCSA has over 12 years of real-world experience overseeing motor carriers operating CMVs using devices mounted on the interior of the windshield and marginally within the area swept by the windshield wipers. FMCSA is unaware of any crashes during that time attributed to the location of such devices.

To assist in development of the proposed regulatory revisions, the Agency specifically requests responses to the following questions:

1. Does the definition of *vehicle safety technology* need to be expanded further

to address other potential technologies and/or multifunction devices such as electronic logging devices that incorporate technologies such as GPS that either require placement in the approximate middle of the CMV windshield or would benefit driver safety by not diverting the CMV driver's eyes from the road and would be subject to the positioning requirements of § 393.60(e)(1)?

2. Would the proposed position of allowable vehicle safety technologies (not more than 8.5 inches below the upper and 7 inches above the lower edge of the swept area of the windshield) be sufficient for current and developing devices?

VII. Section-by-Section Analysis

This section-by-section analysis describes the proposed changes in numerical order.

A. Section 393.5 Definitions

The definition for *vehicle safety technology* would be revised by adding more examples of vehicle safety technologies to those listed in the definition.

B. Section 393.60 Glazing in Specified Openings

This section would be revised by replacing “100 mm (4 inches)” with “216 mm (8.5 inches)” in paragraph (e)(1)(ii)(A). Additionally, a new paragraph (e)(1)(ii)(C) would be added to read “Outside the driver's sight lines to the road and highway signs and signals.”

VIII. Regulatory Analyses

A. Executive Order (E.O.) 12866 (Regulatory Planning and Review), E.O. 13563 (Improving Regulation and Regulatory Review), and DOT Regulatory Policies and Procedures

FMCSA has considered the impact of this notice of proposed rulemaking under E.O. 12866 (58 FR 51735, Oct. 4, 1993), Regulatory Planning and Review, E.O. 13563 (76 FR 3821, Jan. 21, 2011), Improving Regulation and Regulatory Review, and DOT's regulatory policies and procedures. OIRA determined that this notice of proposed rulemaking is not a significant regulatory action under section 3(f) of E.O. 12866, as supplemented by E.O. 13563, and does not require an assessment of potential costs and benefits under section 6(a)(3)

of that Order. Accordingly, OMB has not reviewed it under these Orders.

Additionally, this NPRM supports Executive Order 13859 which states that “the policy of the United States Government is to sustain and enhance the scientific, technological, and economic leadership position of the United States in AI [artificial intelligence].”² The deployment of AI holds the promise to improve efficiency, effectiveness, safety, fairness, welfare, transparency, and other economic and social goals, and America's continued status as a global leader in AI development is important to preserving our economic and national security. The importance of developing and deploying AI requires a regulatory approach that fosters innovation and growth and engenders trust, while protecting core American values, through both regulatory and non-regulatory actions and reducing unnecessary barriers to the development and deployment of AI. To support innovation and growth in the technological sector of CMV safety, FMCSA is issuing this NPRM as a response to a rulemaking petition from DTNA.³

Baseline for the Analysis

The mounting of devices on the interior of the windshield within the area swept by the windshield wipers is prohibited under 49 CFR 393.60(e), unless they are vehicle safety technologies. FMCSA has authority under 49 U.S.C. 31315(b) to grant exemptions from certain parts of the FMCSRs. FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including any safety analyses that have been conducted. The Agency must also provide an opportunity for public comment on the request. FMCSA notes that the burden associated with preparing an exemption request is not included in a currently approved information collection request (ICR), and is pursuing completion of that ICR outside of this rulemaking.

² See Exec. Order No. 13,859, section 1, 84 FR 3967

³ <https://www.fmcsa.dot.gov/regulations/petitions-0>.

As originally enacted, 49 U.S.C. 31315(b) allowed an exemption from a regulation (and a renewal) for no longer than 2 years from its approval date. Section 5206(a)(3) of the FAST Act (Pub. L. 114–94, 129 Stat. 1312, 1534–1535 Dec. 4, 2015) amended section 31315(b) to allow an exemption to be granted for no longer than 5 years and to be renewed, upon request, for subsequent periods no longer than 5 years. 49 CFR 381.300 (b)

Section 393.60(e)(1)(i) of the FMCSRs prohibits the obstruction of the driver's field of view by devices mounted on the interior of the windshield. Antennas and similar devices must not be mounted more than 152 mm (6 inches) below the upper edge of the windshield, and outside the driver's sight lines to the road and highway signs and signals. Section 393.60(e)(1)(i) does not apply to vehicle safety technologies, as defined in 49 CFR 390.5, including “a fleet-related incident management system, performance or behavior management system, speed management system, lane departure warning system, forward collision warning or mitigation system, active cruise control system, and transponder.” Section 393.60(e)(1)(ii) requires devices with vehicle safety technologies to be mounted (1) not more than 100 mm (4 inches) below the upper edge of the area swept by the windshield wipers, or (2) not more than 175 mm (7 inches) above the lower edge of the area swept by the windshield wipers, and outside the driver's sight lines to the road and highway signs and signals.

This NPRM proposes revisions to 49 CFR 393.60 to expand the area where vehicle safety technologies (e.g., lane departure warning systems, forward collision warning and mitigation systems utilizing automated emergency braking, enhanced driver performance and behavior management and coaching systems) could be installed on the interior of windshields of CMVs. The NPRM, if finalized consistent with the terms proposed, would generate cost savings for both industry and government and is anticipated to achieve a level of safety equivalent to, or greater than, the level that would be achieved by the current regulation.

Table 1 provides a summary of the affected population, costs, cost savings, and benefits of this NPRM.

TABLE 1—SUMMARY OF THE IMPACTS OF THIS NPRM

Category	Summary
Applicability	Revisions to 49 CFR 393.60 to expand the area vehicle safety technologies could be installed on the interior windshield of CMVs.
Affected Population	Potentially, all CMVs, as defined in 49 CFR 390.5.
Costs	There would be no costs to industry or the Federal Government.
Industry Costs Savings (\$, 7 percent discount rate)	10-year: \$3,992. Annualized: \$568.
Federal Government Cost Savings (\$, 7 percent discount rate)	10-year: \$71,196. Annualized: \$10,136.
Total Cost Savings (\$, 7 percent discount rate)	10-year: \$75,189. Annualized: \$10,705.
Benefits	This NPRM, if finalized, would provide a greater available area for the voluntary deployment of windshield-mounted safety technologies such as lane departure warning systems and automated emergency braking safety systems which have the potential to reduce fatalities, injuries, and property damages while maintaining a level of safety equivalent to, or greater than, the level that would be achieved by the current regulation.

Cost, Cost Savings & Benefits

This NPRM proposes two changes to the Parts and Accessories Necessary for Safe Operation regulations in 49 CFR part 393, subpart A and subpart D.

Under the existing § 393.5 definitions, vehicle safety technology includes a fleet-related incident management system, performance or behavior management system, speed management system, lane departure warning system, forward collision warning or mitigation system, active cruise control system, and transponder. Under the proposed rulemaking § 393.5 definitions would now also include braking warning systems, braking assist systems, automatic emergency braking, driver camera systems, attention assist warning, Global Positioning Systems and traffic sign recognition. Vehicle safety technology includes systems and devices that contain cameras, lidar, radar, sensors and/or video.

As a result of the proposed change, there would be new examples of vehicle safety technology devices and systems which would better accommodate the vehicle manufacturer advancements in the field of driver assistance technologies. The proposed change would have no cost. There would be benefits accrued through improved safety performance of CMVs via fatality, injury, and property damage prevention. For example, lane departure warning systems are anticipated to prevent accidents involving striking a car in an adjoining lane, which could either involve “sideswiping” a vehicle traveling in the same direction or hitting a vehicle traveling in the opposite direction, and rollovers, which often occur when a vehicle leaves the road. Additionally, automatic Emergency Braking systems engage dynamic brake support or crash-imminent braking to

potentially save lives and reduce moderate and less severe rear-end crashes.

With regards to the existing § 393.60, (e)(1)(ii), Paragraph (e)(1)(i) of this section does not apply to vehicle safety technologies, as defined in § 393.5, that are mounted on the interior of a windshield. Devices with vehicle safety technologies must be mounted outside the driver’s sight lines to the road and to highway signs and signals, and:

- Not more than 100 mm (4 inches) below the upper edge of the area swept by the windshield wipers.

- Not more than 175 mm (7 inches) above the lower edge of the area swept by the windshield wipers.

Under the proposed change to § 393.60, (e)(1)(ii), Paragraph (e)(1)(i) of this section does not apply to vehicle safety technologies, as defined in § 393.5, that are mounted on the interior of a windshield. Devices with vehicle safety technologies must be mounted outside the driver’s sight lines to the road and to highway signs and signals, and:

- Not more than 216 mm (8.5 inches) below the upper edge of the area swept by the windshield wipers; or

- Not more than 175 mm (7 inches) above the lower edge of the area swept by the windshield wipers; and

- Outside the driver’s sight lines to the road and highway signs and signals.

This proposed change would expand the area available for mounting vehicle safety technologies on the interior of a windshield. The proposed change would have no cost but would result in an annualized cost savings from reduced exemption application and approval process. The cost savings are estimated to be \$12,184 and \$10,705 at 3 percent and 7 percent discount rates.

Wage Rates

For this analysis, we calculated private sector wages using 2019 wage data from the U.S. Bureau of Labor Statistics (BLS) Occupational Employment Statistics for the Management of Companies and Enterprises (North American Industry Classification System 551100). We used median hourly wage for Standard Occupational Classification Code 11–2021—Marketing Managers which is \$65.79.⁴

We added a load factor to the industry wages for Marketing Managers using December 2019 wage and total compensation data from the BLS Employer Costs for Employee Compensation (ECEC) survey, which accounts for employee benefits. This load factor represents the total benefits as a percentage of total salary.⁵ We multiply the median hourly wage by the load factor to get the full loaded wage of \$94.74.

We utilize Federal Government employee wage rates based on the Office of Personnel Management (OPM) 2019 General Schedule (GS) pay for the DC–MD–VA–WV–PA locality for a GS–15 grade.⁶ Using OPM data, we generate an

⁴ https://www.bls.gov/oes/2019/may/oes_nat.htm (last accessed April 20, 2021).

⁵ We calculate the load factor for wages by dividing total compensation by wages and salaries. For this analysis, we used BLS’ ECEC/Management, professional, and related occupations. Using December 2019 data, we divided the total compensation amount of \$60.83 by the wage and salary amount of \$42.33 to get the load factor of 1.44 (\$60.83 divided by \$42.33). This data is found in table 9 of the ECEC Historical Listing. <https://www.bls.gov/web/ecec/ececqrtn.pdf>.

⁶ <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2019/DCB.pdf>.

hourly wage for a GS–15 Step 1 grade to be \$66.05.⁷

OMB publishes an object class analysis of the budget of the U.S. Government.⁸ The object class provides the actual values that, in 2019, DOT spent \$5,931 million in full-time permanent employee compensation and \$2,497 million in civilian employee benefits. Based on this, FMCSA estimates a fringe benefit rate of 42.10 percent (2,497/5,931) for FMCSA personnel or \$27.81 (\$66.05 × 42.10 percent). The fully loaded hourly wage for a GS–15 Step 1 is \$93.86 (\$66.05 + \$27.81).

Costs

Motor carriers, industry technological manufacturers, and drivers would not incur any new costs associated with this NPRM. Adopting and using windshield-mounted technologies is purely optional. Those who install and use windshield-mounted technologies

would experience no added burdens or costs.

In CMVs, drivers sit in an elevated position that greatly improves the forward visual field. When FMCSA previously granted exemptions, it found that doing so would likely achieve a level of safety equivalent to, or greater than, the level of safety achieved without the exemption. As described in Section VI. of this NPRM, since issuing the first temporary exemption from § 393.60(e)(1) in 2009, FMCSA is unaware of any crashes that have been attributed to the location of such devices.

The expanded location—not more than 216 mm (8.5 inches) below the upper edge of the area swept by the windshield wipers, and not more than 175 mm (7 inches) above the lower edge of the area swept—is expected to keep pace with technological advances and further aid in meeting the statutory requirements of the FAST Act. The

expanded area is outside the driver’s line of sight to the road, highway signs, and signals.

Cost Savings

We anticipate that this NPRM, if finalized consistent with the terms proposed, would generate cost savings to (1) motor carrier companies that file fewer periodic exemption requests, and (2) the Federal Government by reducing the volume of exemption requests to be reviewed and processed.

Several manufacturers of windshield-mounted technologies have requested exemptions from FMCSA. We estimate that this takes about 2 hours of company time. Manufacturers, on average, apply for 3 exemptions per year. Table 3 provides the 10-year time horizon cost savings stream based on the yearly undiscounted \$568 (rounded to the nearest whole dollar) cost savings to industry if this NPRM would be finalized in 2022.⁹

TABLE 3—TOTAL AND ANNUALIZED COST SAVINGS TO INDUSTRY¹⁰

Year	Total undiscounted costs savings	Total discounted	
		7 percent	3 percent
2022	\$568	\$531	\$552
2023	568	496	536
2024	568	464	520
2025	568	434	505
2026	568	405	490
2027	568	379	476
2028	568	354	462
2029	568	331	449
2030	568	309	436
2031	568	289	423
Total	5,684	3,992	5,519
Annualized .....	.....	568	647

Federal Government employees who possess the technical knowledge required to review windshield exemption applications are senior engineers and attorneys at the GS–15 grade. A final approval letter for an

exemption is granted by the Associate Administrator at the Senior Executive Service level.¹¹ We estimate the total time from initial exemption receipt to final approval to be 12 hours. Table 4 provides the 10-year time horizon cost

savings stream based on the yearly undiscounted \$10,137 (rounded to the nearest whole dollar) cost savings to the Federal Government if this NPRM would be finalized in 2022.¹²

TABLE 4—TOTAL AND ANNUALIZED COST SAVINGS TO THE FEDERAL GOVERNMENT¹³

Year	Total undiscounted costs savings	Total discounted	
		7 percent	3 percent
2022	\$10,137	\$9,474	\$9,842
2023	10,137	8,854	9,555
2024	10,137	8,275	9,277
2025	10,137	7,733	9,006
2026	10,137	7,227	8,744

⁷ https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2019/DCB_h.pdf.

⁸ <https://www.govinfo.gov/content/pkg/BUDGET-2021-OBJCLASS/pdf/BUDGET-2021-OBJCLASS.pdf>.

⁹ Loaded Hourly wage × Number of Hours × Average number of exemptions (\$94.74 × 2 × 3).

¹⁰ (Total Cost Savings in this table may not equal the sum total of yearly cost savings due to rounding in underlying calculations).

¹¹ The Agency is assuming that an Associate Administrator at the Senior Executive Service level is equivalent to a GS–15 grade for the purpose of this analysis.

¹² Loaded Hourly Wage × Number of Hours × Average number of exemptions × Personnel (\$93.86 × 12 × 3 × 3).

TABLE 4—TOTAL AND ANNUALIZED COST SAVINGS TO THE FEDERAL GOVERNMENT ¹³—Continued

Year	Total undiscounted costs savings	Total discounted	
		7 percent	3 percent
2027	10,137	6,755	8,489
2028	10,137	6,313	8,242
2029	10,137	5,900	8,002
2030	10,137	5,514	7,769
2031	10,137	5,153	7,543
Total	101,368	71,197	98,416
Annualized .....	.....	10,137	11,537

Table 5 provides the total 10-year time horizon cost savings stream based on the yearly undiscounted cost savings of \$10,705 (rounded to the nearest whole dollar) for both industry and the Federal Government.

TABLE 5—TOTAL COST SAVINGS FOR INDUSTRY & THE FEDERAL GOVERNMENT ¹⁴

Year	Total undiscounted costs savings	Total discounted	
		7 percent	3 percent
2022	\$10,705	\$10,005	\$10,393
2023	10,705	9,350	10,091
2024	10,705	8,739	9,797
2025	10,705	8,167	9,511
2026	10,705	7,633	9,234
2027	10,705	7,133	8,965
2028	10,705	6,667	8,704
2029	10,705	6,231	8,451
2030	10,705	5,823	8,205
2031	10,705	5,442	7,966
Total	107,053	75,189	103,934
Annualized .....	.....	10,705	12,184

Benefits

The Agency was unable to identify literature that quantified the benefits of increasing the allowable windshield area for the mounting of vehicle safety technologies. In the absence of such analyses, the Agency did not quantify benefits associated with the NPRM, though it believes that the rule has the potential to improve the safety of CMV operations.^{15 16} The Agency also finds that CMVs outfitted with vehicle safety technologies under current exemptions do not present an increased safety risk compared to other CMVs.

Discussion of Alternatives

When preparing this NPRM, FMCSA considered two alternatives. In this section, we examine how the cost of the proposal would change with each alternative.

Alternative 1:
No Action.

Using this alternative, FMCSA would accept the status quo and not change the

current exemption approval requirements. This alternative currently limits the windshield area in which new safety technologies can be mounted to not more than 100 mm (4 inches) below the upper edge of the area swept by the windshield wipers or not more than 175 mm (7 inches) above the lower edge of the area swept by the windshield wipers. This alternative does not favor innovation and technological growth, nor does it reduce the overall burden to industry of applying for, and to the Federal Government of reviewing, exemptions. This alternative would maintain the approximately \$10,705 (annualized, 7 percent discount rate) in annual costs associated with the overall exemption request and approval process.

Alternative 2:

Preferred Alternative— Revise 49 CFR 393.60 to expand the windshield area where vehicle safety technologies could be installed on CMVs and revise 49 CFR

393.5 to broaden the definition of *vehicle safety technology*.

Using this alternative, FMCSA would increase the allowable windshield area for installation of vehicle safety technologies. This would lead to an estimated \$10,705 in annual cost savings without any estimated cost increase or reduction in benefits, as this analysis shows.

B. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801–808), the Office of Information and Regulatory Affairs designated this rule as not a “major rule,” as defined by 5 U.S.C. 804(2).¹⁷

C. Advance Notice of Proposed Rulemaking

Under 49 U.S.C. 31136(g), FMCSA is required to publish an advance notice of proposed rulemaking (ANPRM) or proceed with a negotiated rulemaking, if a proposed rule is likely to lead to the promulgation of a major rule. As this

¹³ (Total Cost Savings in this table may not equal the sum total of yearly cost savings due to rounding in underlying calculations).

¹⁴ (Total Cost Savings in this table may not equal the sum total of yearly cost savings due to rounding in underlying calculations).

¹⁵ <https://rosap.ntl.bts.gov/view/dot/4>.

¹⁶ <https://rosap.ntl.bts.gov/view/dot/10>.

¹⁷ A “major rule” means any rule that OMB finds has resulted in or is likely to result in (a) an annual effect on the economy of \$100 million or more; (b) a major increase in costs or prices for consumers, individual industries, Federal agencies, State agencies, local government agencies, or geographic

regions; or (c) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets (5 U.S.C. 804(2)).

proposed rule is not likely to result in the promulgation of a major rule, the Agency is not required to issue an ANPRM or to proceed with a negotiated rulemaking.

D. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996,¹⁸ requires Federal agencies to consider the effects of the regulatory action on small business and other small entities and to minimize any significant economic impact. The term “small entities” comprises small businesses and 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 (5 U.S.C. 601(6)). Accordingly, DOT policy requires an analysis of the impact of all regulations on small entities, and mandates that agencies strive to lessen any adverse effects on these businesses.

The Agency expects that this NPRM, if finalized consistent with the proposed terms, would not have a significant economic impact on small entities. We expect a final rule consistent with the NPRM to result in cost savings to industry and the Federal Government.

FMCSA expects the average costs to manufacturers of windshield-mounted equipment associated with avoiding the need for exemption applications would be reduced by \$568 per year (annualized, 7 percent discount rate). We calculate that 100 percent of small equipment manufacturers impacted by this NPRM would have a cost savings less than 1 percent of their annual revenue. No small governmental jurisdictions would be impacted by this NPRM.

Consequently, I certify that the proposed action would not have a significant economic impact on a substantial number of small entities. If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this NPRM would have a significant economic impact on it, please submit a comment to the docket at the address listed in the **ADDRESSES** section of this preamble. In your comment, explain why you think it qualifies and how and to what degree this NPRM would economically affect it.

E. Assistance for Small Entities

In accordance with section 213(a) of the Small Business Regulatory

Enforcement Fairness Act of 1996,¹⁹ FMCSA wants to assist small entities in understanding this NPRM so they can better evaluate its effects on themselves and participate in the rulemaking initiative. If the NPRM would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance; please consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

Small businesses may send comments on the actions of Federal employees who enforce or otherwise determine compliance with Federal regulations to the Small Business Administration’s 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 FMCSA, call 1-888-REG-FAIR (1-888-734-3247). DOT has a policy regarding the rights of small entities to regulatory enforcement fairness and an explicit policy against retaliation for exercising these rights.

F. Unfunded Mandates Reform Act of 1995

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. 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 \$170 million (which is the value equivalent of \$100 million in 1995, adjusted for inflation to 2020 levels) or more in any 1 year. Because this NPRM would not result in such an expenditure, a written statement is not required. However, FMCSA does discuss the costs and benefits of this NPRM in the preamble.

G. Paperwork Reduction Act

This NPRM contains no new information collection requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). FMCSA notes that the burden associated with preparing an exemption request is not included in a currently approved information collection request (ICR), and is pursuing completion of that ICR outside of this rulemaking.

H. E.O. 13132 (Federalism)

A rule has implications for federalism under section 1(a) of E.O. 13132 if it has “substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.” FMCSA has determined that this rule would not have substantial direct costs on or for States, nor would it limit the policymaking discretion of States. Nothing in this document preempts any State law or regulation. Therefore, this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Impact Statement.

I. Privacy

The Consolidated Appropriations Act, 2005,²⁰ requires the Agency to assess the privacy impact of a regulation that will affect the privacy of individuals. This NPRM would not require the collection of personally identifiable information (PII). Because this NPRM does not require the collection of PII, the Agency is not required to conduct a privacy impact assessment (PIA). Section 208 of the E-Government Act of 2002 (44 U.S.C. 3501 note) requires Federal agencies to conduct a PIA for new or substantially changed technology that collects, maintains, or disseminates information in an identifiable form. No new or substantially changed technology would collect, maintain, or disseminate information as a result of this rule. Accordingly, FMCSA has not conducted a PIA.

The Agency will complete a Privacy Threshold Assessment (PTA) to evaluate the risks and effects the NPRM might have on collecting, storing, and sharing personally identifiable information. The DOT Privacy Office has determined that this rulemaking does not create privacy risk.

J. E.O. 13175 (Indian Tribal Governments)

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

¹⁸ Public Law 104–121, 110 Stat. 857, (Mar. 29, 1996).

¹⁹ Public Law 104–121, 110 Stat. 857, (Mar. 29, 1996).

²⁰ Public Law 108–447, 118 Stat. 2809, 3268, note following 5 U.S.C. 552a (Dec. 4, 2014).

K. National Environmental Policy Act of 1969

FMCSA analyzed this NPRM for the purpose of the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 et seq.) and determined this action is categorically excluded from further analysis and documentation in an environmental assessment or environmental impact statement under FMCSA Order 5610.1 (69 FR 9680), Appendix 2, paragraph 6.bb. The Categorical Exclusion (CE) in paragraph 6.bb. addresses regulations concerning vehicle operation safety standards (e.g., regulations requiring: Certain motor carriers to use approved equipment which is required to be installed such as an ignition cut-off switch, or carried onboard, such as a fire extinguisher, and/or stricter blood alcohol concentration standards for drivers, etc.), equipment approval, and/or equipment carriage requirements (e.g., fire extinguishers and flares).

The proposed requirements in this rule are covered by this CE and the NPRM does not have any effect on the quality of the environment.

List of Subjects in 49 CFR Part 393

Highway safety, Motor carriers, Motor vehicle safety.

Accordingly, FMCSA proposes to amend 49 CFR chapter III, part 393 as follows:

PART 393—PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION

1. The authority citation for part 393 continues to read as follows:

Authority: 49 U.S.C. 31136, 31151, and 31502; sec. 1041(b) of Pub. L. 102-240, 105 Stat. 1914, 1993 (1991); sec. 5301 and 5524 of Pub. L. 114-94, 129 Stat. 1312, 1543, 1560; and 49 CFR 1.87.

2. Amend § 393.5 by revising the definition of Vehicle safety technology to read as follows:

§ 393.5 Definitions.

Vehicle safety technology. Vehicle safety technology includes systems and items of equipment to promote driver, occupant and roadway safety. Examples of vehicle safety technology systems and devices include a fleet-related incident management system, performance or behavior management system, speed management system, lane departure warning system, forward collision warning or mitigation system, active cruise control system, transponder, braking warning system, braking assist system, automatic emergency braking, driver camera system, attention assist warning, Global Positioning Systems and traffic sign recognition. Vehicle safety technology includes systems and

devices that contain cameras, lidar, radar, sensors and/or video.

* * * * *

3. Amend § 393.60 by revising paragraph (e)(1)(ii) to read as follows:

§ 393.60 Glazing in specified openings.

* * * * *

(e) Prohibition on obstructions to the driver's field of view—(1) Devices mounted on the interior of the windshield.

* * * * *

(ii) Paragraph (e)(1)(i) of this section does not apply to vehicle safety technologies, as defined in § 393.5, that are mounted on the interior of a windshield. Devices with vehicle safety technologies must be mounted:

A. Not more than 216 mm (8.5 inches) below the upper edge of the area swept by the windshield wipers;

B. Not more than 175 mm (7 inches) above the lower edge of the area swept by the windshield wipers; and

C. Outside the driver's sight lines to the road and highway signs and signals.

* * * * *

Issued under the authority of delegation in 49 CFR 1.87

Meera Joshi, Deputy Administrator.

[FR Doc. 2021-14040 Filed 7-2-21; 8:45 am]

BILLING CODE 4910-EX-P

Notices

Federal Register

Vol. 86, No. 126

Tuesday, July 6, 2021

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2021–0023]

Addition of Malaysia to the List of Regions Affected With African Swine Fever

AGENCY: Animal and Plant Health Inspection Service, Agriculture (USDA).

ACTION: Notice.

SUMMARY: We are advising the public that we have added Malaysia to the list of regions that the Animal and Plant Health Inspection Service considers to be affected with African swine fever (ASF). We have taken this action because of confirmation of ASF in Malaysia.

DATES: Malaysia was added to the APHIS list of regions considered affected with ASF on March 2, 2021.

FOR FURTHER INFORMATION CONTACT: Dr. John Grabau, Regionalization Evaluation Services, Veterinary Services, APHIS, 920 Main Campus Drive, Venture II, Raleigh, NC 27606; Phone: (919) 855–7738; email: AskRegionalization@usda.gov.

SUPPLEMENTARY INFORMATION: The regulations in 9 CFR part 94 (referred to below as the regulations) govern the importation of specified animals and animal products to prevent introduction into the United States of various animal diseases, including African swine fever (ASF). ASF is a highly contagious animal disease of wild and domestic swine. It can spread rapidly in swine populations with extremely high rates of morbidity and mortality. A list of regions where ASF exists or is reasonably believed to exist is maintained on the Animal and Plant Health Inspection Service (APHIS) website at <https://www.aphis.usda.gov/aphis/ourfocus/animalhealth/animal-and-animal-product-import->

information/animal-health-status-of-regions/. This list is referenced in § 94.8(a)(2) of the regulations.

Section 94.8(a)(3) of the regulations states that APHIS will add a region to the list referenced in § 94.8(a)(2) upon determining ASF exists in the region, based on reports APHIS receives of outbreaks of the disease from veterinary officials of the exporting country, from the World Organization for Animal Health (OIE), or from other sources the Administrator determines to be reliable, or upon determining that there is reason to believe the disease exists in the region. Section 94.8(a)(1) of the regulations specifies the criteria on which the Administrator bases the reason to believe ASF exists in a region. Section 94.8(b) prohibits importation of pork and pork products from regions listed in accordance with § 94.8, except if processed and treated in accordance with the provisions specified in that section or consigned to an APHIS-approved establishment for further processing. Section 96.2 restricts the importation of swine casings that originated in or were processed in a region where ASF exists, as listed under § 94.8(a).

On February 19, 2021, the veterinary authorities of Malaysia reported to the OIE the occurrence of ASF in that country. Therefore, in response to this outbreak, on March 2, 2021, APHIS added Malaysia to the list of regions where ASF exists or is reasonably believed to exist. This notice serves as an official record and public notification of that action.

As a result, pork and pork products from Malaysia, including casings, are subject to APHIS import restrictions designed to mitigate the risk of ASF introduction into the United States.

Congressional Review Act

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

Authority: 7 U.S.C. 1633, 7701–7772, 7781–7786, and 8301–8317; 21 U.S.C. 136 and 136a; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.4.

Done in Washington, DC, this 16th day of June 2021.

Jack Shere,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2021–14255 Filed 7–2–21; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

U.S. Codex Office

Codex Alimentarius Commission: Meeting of the Codex Committee on Food Labelling

AGENCY: U.S. Codex Office, USDA.

ACTION: Notice of public meeting and request for comments.

SUMMARY: The U.S. Codex Office is sponsoring a public meeting on September 1, 2021. The objective of the public meeting is to provide information and receive public comments on agenda items and draft United States (U.S.) positions to be discussed at the 46th Session of the Codex Committee on Food Labelling (CCFL) of the Codex Alimentarius Commission, to be held virtually, September 27–October 1, 2021 with the report adoption on October 7, 2021. The U.S. Manager for Codex Alimentarius and the Acting Deputy Under Secretary for Trade and Foreign Agricultural Affairs recognize the importance of providing interested parties the opportunity to obtain background information on the 46th Session of the CCFL and to address items on the agenda.

DATES: The public meeting is scheduled for September 1, 2021, from 2:00–4:00 p.m. EDT.

ADDRESSES: The public meeting will take place via Video Teleconference only. Documents related to the 46th Session of the CCFL will be accessible via the internet at the following address: <http://www.fao.org/fao-who-codexalimentarius/meetings/detail/en/?meeting=CCFL&session=46>.

Dr. Douglas Balentine, U.S. Delegate to the 46th Session of the CCFL, invites U.S. interested parties to submit their comments electronically to the following email address: douglas.balentine@fda.hhs.gov.

Registration: Attendees must register to attend the public meeting by emailing uscodex@usda.gov by August 30, 2021. Early registration is encouraged.

For Further Information about the 46th Session of the CCFL, contact U.S. Delegate, Dr. Douglas Balentine, douglas.balentine@fda.hhs.gov.

For Further Information about the public meeting Contact: U.S. Codex Office, 1400 Independence Avenue SW, Room 4861, South Agriculture Building, Washington, DC 20250. Phone (202) 720-7760, Fax: (202) 720-3157, Email: uscodex@usda.gov.

SUPPLEMENTARY INFORMATION:

Background

Codex was established in 1963 by two United Nations organizations, the Food and Agriculture Organization and the World Health Organization. Through adoption of food standards, codes of practice, and other guidelines developed by its committees, and by promoting their adoption and implementation by governments, Codex seeks to protect the health of consumers and ensure fair practices in the food trade.

The Terms of Reference of the Codex Committee on Food Labelling (CCFL) are:

- (a) To draft provisions on labeling applicable to all foods;
- (b) to consider, amend if necessary, and endorse draft specific provisions on labeling prepared by the Codex Committees drafting standards, codes of practice and guidelines;
- (c) to study specific labeling problems assigned to it by the Commission; and,
- (d) to study problems associated with the advertisement of food with particular reference to claims and misleading descriptions.

The CCFL is hosted by Canada. The United States attends the CCFL as a member country of Codex.

Issues To Be Discussed at the Public Meeting

The following items on the Agenda for the 46th Session of the CCFL will be discussed during the public meeting:

- Adoption of the Agenda
- Matters referred to the Committee by the CAC and other Codex Subsidiary Bodies
- Matters of interest from FAO and WHO
- Consideration of labeling provisions in draft Codex standards (endorsement)
- Draft Guidance for the Labelling of Non-Retail Containers
- Proposed draft Guidelines on Front-of-Pack Nutrition Labelling
- Proposed draft Guidelines on internet sales/e-commerce
- Proposed draft revision to the General Standard for the Labelling of Prepackaged Foods—Provisions relevant to allergen labeling

- Proposed draft Guidance on Precautionary Allergen Labelling
- Innovation—use of technology in food labelling (discussion paper)
- Labelling of alcoholic beverages (discussion paper)
- Labelling of foods in joint presentation and multipack formats (discussion paper)
- Future work and direction of CCFL (discussion paper) (request for information through CL2020/08–FL)
- Approach and criteria for evaluation and prioritization of work of CCFL (request for comments through CL2020/09/OCS–FL)

Public Meeting

At the September 1, 2021, public meeting, draft U.S. positions on the agenda items will be described and discussed, and attendees will have the opportunity to pose questions and offer comments. Written comments may be offered at the meeting or sent to Dr. Douglas Balentine, U.S. Delegate for the 46th Session of the CCFL (see **ADDRESSES**). Written comments should state that they relate to activities of the 46th Session of the CCFL.

Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, the U.S. Codex Office will announce this **Federal Register** publication on-line through the USDA web page located at: <http://www.usda.gov/codex>, a link that also offers an email subscription service providing access to information related to Codex. Customers can add or delete their subscription themselves and have the option to password protect their accounts.

USDA Non-Discrimination Statement

No agency, officer, or employee of the USDA shall, on the grounds of race, color, national origin, religion, sex, gender identity, sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, or political beliefs, exclude from participation in, deny the benefits of, or subject to discrimination any person in the United States under any program or activity conducted by the USDA.

How To File a Complaint of Discrimination

To file a complaint of discrimination, complete the USDA Program Discrimination Complaint Form, which may be accessed online at https://www.ocio.usda.gov/sites/default/files/docs/2012/Complain_combined_6_8_12.pdf, or write a letter signed by you

or your authorized representative. Send your completed complaint form or letter to USDA by mail, fax, or email.

Mail: U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue SW, Washington, DC 20250–9410.

Fax: (202) 690–7442, Email: program.intake@usda.gov.

Persons with disabilities who require alternative means for communication (braille, large print, audiotope, etc.) should contact USDA's TARGET Center at (202) 720–2600 (voice and TDD).

Done at Washington, DC, on June 30, 2021.

Mary Lowe,

U.S. Manager for Codex Alimentarius.

[FR Doc. 2021–14347 Filed 7–2–21; 8:45 am]

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DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Agency Information Collection Activities: Supplemental Nutrition Assistance Program Emergency Allotments (COVID–19)

AGENCY: Food and Nutrition Service (FNS), USDA.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice invites the general public and other public agencies to comment on this proposed information collection.

This collection is an extension, without change, of a currently approved collection for activities associated with administering emergency allotments (EA) waivers. The Families First Coronavirus Response Act of 2020, enacted March 18, 2020, includes a general provision that allows the Department of Agriculture to issue emergency allotments (EA) waivers based on a public health emergency declaration by the Secretary of Health and Human Services under section 319 of the Public Health Service Act related to an outbreak of COVID–19 when a State has also issued an emergency or disaster declaration.

DATES: Written comments must be received on or before September 7, 2021.

ADDRESSES: Comments may be sent to: Kelly Stewart, Food and Nutrition Service, U.S. Department of Agriculture, 1320 Braddock Place, 5th Floor, Alexandria, VA 22314; telephone 703–305–2425. Comments may also be submitted via email to Kelly.stewart@usda.gov. Comments will also be accepted through the Federal eRulemaking Portal.

Go to <http://www.regulations.gov>, and follow the online instructions for submitting comments electronically.

All responses to this notice will be summarized and included in the request for Office of Management and Budget approval. All comments will be a matter of public record.

FOR FURTHER INFORMATION CONTACT:

Requests for additional information or copies of this information collection should be directed to Kelly Stewart at Kelly.stewart@usda.gov; telephone 703–305–2425.

SUPPLEMENTARY INFORMATION: Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions that were 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 those who are to respond, including use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Title: Agency Information Collection Activities: Supplemental Nutrition Assistance Program Emergency Allotments (COVID–19).

OMB Number: 0584–0652.

Expiration Date: 1/31/2022.

Type of Request: Extension, without change, of a currently approved collection.

Abstract: The Families First Coronavirus Response Act of 2020 (Pub. L. 116–127), enacted March 18, 2020, includes a general provision that allows the Department of Agriculture to issue emergency allotments (EA) based on a public health emergency declaration by the Secretary of Health and Human Services under section 319 of the Public Health Service Act related to an outbreak of COVID–19 when a State has also issued an emergency or disaster declaration. In January 2021, the Department obtained Office of Management and Budget (OMB) approval to collect the information as described in this Notice for a period of one year (OMB Control Number 0584–0652; expiration 1/31/2022). The President's *Executive Order on Economic Relief Related to the COVID–19 Pandemic*, issued January 22, 2021, directed all Federal agencies to consider administrative actions to better address

the current economic crisis resulting from the pandemic. FNS reviewed existing EA policy and issued updated State guidance¹ on April 1, 2021, outlining a new approach to calculating EA that provides greater equity for households most in need. The April 2021 guidance supersedes previous guidance issued in March 2020 and April 2020. In addition to outlining a new EA minimum benefit policy, the April 2021 guidance describes an EA phase-out request States may use when their State-level emergency declaration expiration date is imminent. The State agency process for requesting EA, as outlined in the April 2021 guidance, remains generally unchanged, though the State must now confirm that the State's emergency or disaster declaration remains active when requesting EA. USDA anticipates the need to collect the data beyond the expiration date and is seeking approval of this Information Collection Request in order to meet the continuing information collection and reporting requirements detailed in the Families First Coronavirus Response Act of 2020.

As authorized by Families First Coronavirus Response Act of 2020, State agencies impacted by COVID–19 may submit an EA waiver request to their FNS Regional Office for approval to provide a EA to households to bring all households up to the maximum benefit due to pandemic related economic conditions. As outlined in the April 2021 guidance, State agency waivers will generally be approved under one or more the following conditions as it relates to COVID–19:

- Residents of the State are confirmed to have contracted COVID–19
 - Some or all areas of the State are containment or quarantine zones
 - Businesses have closed or significantly reduced their hours
 - The State's residents have experienced economic impacts due to job suspensions or losses
 - The State's residents have been directed to practice social distancing.
- The State agency must also confirm that the State's emergency or disaster declaration remains active.

In addition, to allow for State EA phase-out upon expiration of the State's emergency declaration, States may request EA approval for one additional issuance month if:

- The national public health emergency declaration that was extended on January 21, 2021, by the Secretary for Health and Human

Services under section 319 of the Public Health Service Act remains in place, and

- The State-issued emergency or disaster declaration has expired or will expire in the current month. This will allow a State that has lost or will lose its declaration in the current month to provide one additional issuance month of EA and to notify SNAP participants that EA benefits will be ending.

Once the State's EA waiver has been approved by FNS, the State may provide the EA without contacting the household. Following waiver approval, FNS will require State Agencies to attest to FNS on a monthly basis the EA waiver is still needed and that the State declaration remains in place. Both the initial EA waiver and the monthly attestation are conducted via email. FNS expects 53 State agencies will submit one initial EA waiver to FNS. Currently 51 State agencies are operating under an EA waiver. It is possible that States may have more than one declared public health emergency over the next year as COVID–19 rates ebb and flow, therefore we are including hours for these initial waiver requests in this IC as a precautionary measure. There are three reporting requirements for this information collection request. (1) Each initial EA waiver submission should take approximately one hour to complete. (2) Each monthly email attesting to the continued need for the EA waiver is expected to take 15 minutes to complete. FNS expects that any phase-out request, as outlined in the April 2021 guidance, would be included in the email as part of the monthly attestation process; the indication of phase-out would simply signal the end of that State's need for EA and, thus, monthly attestations. The phase out request is expected to take 1 minute of the 15 minutes estimated for monthly attestation; therefore, no additional burden is estimated for phase-out requests.

Section 18(b) of the Food and Nutrition Act of 2008, as amended, requires that, "In any fiscal year, the Secretary shall limit the value of those allotments issued to an amount not in excess of the appropriation for such fiscal year." Because the EA waiver increases the monthly benefit of participants above the amount originally anticipated for this fiscal year, the amount of benefits issued and redeemed must be carefully tracked to ensure FNS does not exceed its appropriation. As such, it is necessary for FNS to collect information from State agencies operating EA on a more frequent basis than would be reported normally. Generally, States report disaster-related

¹ <https://fns-prod.azureedge.net/sites/default/files/resource-files/snap-covid-emergency-allotments-phase-3-guidance.pdf>.

SNAP participation and issuance data to FNS on the FNS–292B, Report of Disaster Supplemental Nutrition Assistance Benefit Issuance, within 45 days of terminating disaster assistance. While a State is operating under an EA waiver, (3) FNS requires the State to submit *bi-weekly* FNS–292B reports.

The burden for a State agency to submit FNS–292B reports during normal operations is currently captured under the information collection for the Food Programs Reporting System (FPRS), OMB Control Number 0584–0594 (expiration date 7/31/2023). However, FNS is accounting for the additional

burden used for EA in this request and including the burden for submitting this form more frequently under this information collection.
 • FNS–292B—Takes States approximately 24 minutes or 0.4008 hours per response × 53 State Agencies × 26 weeks = 552.30 hours.

Respondent category	Instruments	Form	Number of respondents	Frequency of response	Total annual responses	Hours per response	Annual burden (hours)
State Agencies	Bi-weekly EA Reporting to FNS.	FNS–292B ..	53	26	1,378	0.4008	552.20
	Initial Waiver Request—Emergency Allotment.	N/A	53	1	53	1	53
	Monthly EA Attestation (including Phase-Out Requests).	N/A	53	12	636	0.25	159
Total .....	.....	.....	53	39	2,067	0.3697641	764.30

Affected Public: State, Local and Tribal Governments.
Estimated Number of Respondents: 53.
Estimated Number of Responses per Respondent: 39.
Estimated Total Annual Responses: 2,067.
Estimated Time per Response: 0.3697641 hours.
Estimated Total Annual Burden on Respondents: 764.

Cynthia Long,
 Acting Administrator, Food and Nutrition Service.
 [FR Doc. 2021–14303 Filed 7–2–21; 8:45 am]
BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE

Forest Service

Privacy Act of 1974; System of Records

AGENCY: U.S. Department of Agriculture; Forest Service.

ACTION: Notice of a new system of records.

SUMMARY: In accordance with the Privacy Act of 1974, the U.S. Department of Agriculture (USDA or Department) proposes to create a new system of records titled “Department of Agriculture Forest Service Application Cloud Environment (FS ACE).” ACE is a general support system owned by the Forest Service Chief Information Officer (CIO) and operated by the Data Center Services Branch of the Forest Service CIO Operations Division. The system is located and managed in two geographically separated USDA Digital Infrastructure Services Centers (DISC), Class 4 data centers: One in Kansas City, MO; and the other in St. Louis, MO. Each provide alternate processing and

data storage services in support of disaster recovery activities. Additionally, DISC-Kansas City provides off-site tape storage in Lenexa, KS, through a third-party vendor, Recall. All three locations are addressed within the DISC authorization boundaries.

DATES: In accordance with 5 U.S.C. 552a(e)(4) and (11), this notice is effective upon publication, subject to a 30-day notice and comment period to comment on the routine uses described below. Please submit any comments by August 5, 2021.

ADDRESSES: You may submit comments, identified by docket number FS–2021–0004 by one of the following methods:

- *Federal e-Rulemaking Portal:* <http://www.regulations.gov>—follow the instructions for submitting comments.

- Cynthia Towers, NRE Forest Service Privacy Officer, Office of the Chief Information Officer, U.S. Department of Agriculture, 1400 Independence Avenue SW, Washington, DC 20250.

- email to SM.FS.WOFOIA@usda.gov.

Instructions: All submissions received must include the Agency name and docket number for this rulemaking. 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 the background document or comments received go to <http://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT: For general questions about this notice, please contact Cynthia Towers, NRE Forest Service Privacy Officer, at 816–286–5272 or by email at cynthia.towers@usda.gov.

For privacy issue questions, please contact: Sullie Coleman, Chief Privacy Officer, Office of the Chief Information

Officer, U.S. Department of Agriculture, 1400 Independence Avenue SW, Washington, DC 20250 or by email at sullie.coleman@usda.gov or by telephone at (202) 604–0467.

SUPPLEMENTARY INFORMATION: The Privacy Act of 1974, as amended (5 U.S.C. 552a), requires agencies to publish in the **Federal Register** notice of new systems of records maintained by the Agency. A system of records is a group of any records under the control of any agency from which information is retrieved by the name of an individual or by some identifying number, symbol, or other identifying particular assigned to an individual.

The Forest Service proposes to create a system of records entitled USDA/FS–63 Application Cloud Environment (FS ACE) that will be used to maintain records of activities conducted by the Agency pursuant to its mission and responsibilities.

TITLE OF BUSINESS ADDRESS OF THE AGENCY OFFICIAL RESPONSIBLE FOR THE SYSTEM OF RECORD:

Chief Information Officer, U.S. Department of Agriculture, 1400 Independence Avenue SW, Washington, DC 20250.

SYSTEM NAME AND NUMBER:

USDA/FS–63 Application Cloud Environment (FS ACE). Forest Service Application Cloud Environment (FS ACE) CSAM ID 1991, External ID: UII Code: 005–00000243; 005–000003304; 005–000003305; 005–00000257.

SECURITY CLASSIFICATION:

Controlled Unclassified Information (CUI).

SYSTEM LOCATION:

The system is located and managed in two geographically-separated U.S. Department of Agriculture (USDA)

Digital Infrastructure Services Centers (DISC), Class 4 data centers, one at 8930 Ward Parkway, Kansas City, MO 64114 and the second at 4300 Goodfellow Blvd., St. Louis, MO 63120. Each provide alternate processing and data storage services in support of disaster recovery activities. Additionally, Kansas City provides off-site tape storage through Recall, located at 16150 W 110th St., Lenexa, KS. All three locations are addressed within the DISC authorization boundaries.

SYSTEM MANAGER:

ACE System Owner, Management Office 903 E 104th Street, Ste. 210, Kansas City, MO 64131. Additional location: Production DC—DISC Kansas City, MO.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

For FS ACE, authorities for general collection of information come from by 31 U.S.C. 3512, Executive Agency Accounting Systems Act of September 12, 1950, and 16 U.S. Code § 551—Protection of national forests; rules and regulations. For Federal requirements for the collection of information, also see: 5 U.S.C. Chapter 552 (Freedom of Information Act), 44 U.S.C. Chapters 21, 29, 31, and 33 (Records Management), and 18 U.S.C. 2071 (Concealment, removal, or mutilation of government records).

PURPOSE(S) OF THE SYSTEM:

The purpose of this system of records is to manage a set of projects that is part of the Digital Infrastructure Services Center cloud migration. The goal of the FS ACE is to enable the Agency to concentrate on building integrated business solutions rather than managing separate technology issues. This system provides general hosting services to applications within the Forest Service. Hosting services include Virtual Data Center (VDC) environment, storage, backup and recovery, monitoring, etc. The FS ACE hosts the applications that collect an individual's personal information (PII) as a part of doing business with the Forest Service. FS ACE houses sensitive data from various FS programs and allows FS authorized users the ability to access and update this information. For example:

- Integrates the information for reporting, analysis, and management of various Human Resource Management processes and functions, which includes both PII, and budget and finance data;
- Contains applications to collect, store, edit, compile and report on field collected resource data for our nation's forests and grasslands per the Farm Bill requirement; and

- FS ACE collects PII from several applications that include short term (seasonal) contractors and researchers in support of the Forest Inventory & Analysis program.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All individuals granted access to the FS ACE are covered: All individuals, even if they are not users of the FS ACE who are mentioned or referenced in any documents entered into FS ACE by a user are also covered. This group may include, but is not limited to, vendors, agents, and other business personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system of records includes the following required information about an individual: The individual's first and last name, social security number, tax identification number, passport number, driver's license number, or unique identification number.

RECORDS SOURCE CATEGORIES:

Information contained in FS ACE may be collected from an individual via fax, email, form, telephone, or website, depending on the application used.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, records contained in a system may be disclosed outside USDA as a routine use under 5 U.S.C. 552a(b)(3) to the extent that such uses are compatible with the purposes for which the information was collected. Such permitted routine uses include the following disclosures:

A. To the appropriate agency, whether Federal, State, local, Tribal, foreign, or other public authority responsible for enforcing, investigating, or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto, when a record on its face, or in conjunction with other records, indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program, statute, or by regulation, rule, or order issued pursuant thereto, disclosure may be made if the information disclosed is relevant to any enforcement, regulatory, investigative, or prospective responsibility of the receiving entity and. Referral to the appropriate agency occurs, whether Federal, State, local, Tribal, or foreign, charged with the responsibility of investigating or prosecuting violation of law, or of enforcing or implementing a

statute, rule, regulation, or order issued pursuant thereto of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature;

B. To the Department of Justice (DOJ), when: (a) USDA or any component thereof; or (b) any employee of USDA in his or her official capacity where the DOJ has agreed to represent the employee; or (c) the United States Government, is a party to litigation or has an interest in such litigation, and USDA determines that the records are both relevant and necessary to the litigation and the use of such records by the DOJ is therefore deemed by USDA to be for a purpose that is compatible with the purpose for which USDA collected the records;

C. To a court or adjudicative body in a proceeding when: (a) USDA or any component thereof; or (b) any employee of USDA in his or her official capacity; or (c) any employee of the Agency in his or her individual capacity where USDA has agreed to represent the employee, or the United States Government, is a party to litigation or has an interest in such litigation, and USDA determines that the records are both relevant and necessary to the litigation and that use of such records is therefore deemed by USDA to be for a purpose that is compatible with the purpose for which USDA collected the records;

D. To appropriate agencies, entities, and persons when: (1) USDA suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised; (2) USDA has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, USDA (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with USDA's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm; or to another Federal agency or Federal entity, when information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the agency (including its information systems, programs, and operations), the Federal Government, or national security;

E. To contractors and their agents, grantees, experts, consultants, and others performing or working on a

contract, service, grant, cooperative agreement, or other assignment for the USDA, when necessary, to accomplish an agency function related to this system of records. Individuals providing information under this routine use are subject to the same Privacy Act requirements and limitations on disclosure as are applicable to USDA officers and employees;

F. To a congressional office in response to an inquiry from that congressional office made at the written request of the individual about whom the record pertains.

G. To the National Archives and Records Administration (NARA) or other Federal government agencies pursuant to records management inspections being conducted under the authority of 44 U.S.C. 2904 and 2906.

H. To an agency, organization, or individual for the purpose of performing audit or oversight operations as authorized by law, but only such information as is necessary and relevant to such audit or oversight function.

I. To appropriate Federal, state, local, tribal, or foreign governmental agencies or multilateral governmental organizations, with the approval of the Chief Privacy Officer, when USDA is aware of a need to use relevant data for purposes of testing new technology.

J. To the news media and the public, with the approval of the Chief Privacy Officer in consultation with counsel, when there exists a legitimate public interest in the disclosure of the information, or when disclosure is necessary to preserve confidence in the integrity of USDA, or when disclosure is necessary to demonstrate the accountability of USDA's officers, employees, or individuals covered by the system, except to the extent the Chief Privacy Officer determines that release of the specific information in the context of a particular case would constitute a clearly unwarranted invasion of personal privacy.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

All records are stored electronically or on paper in secure facilities in a locked drawer behind a locked door. The records may be stored on digital media. Each USDA mission area, agency, and staff office creates and maintains proper and adequate documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the Department. This documentation protects the legal and

financial rights of the Government and of persons directly affected by the Department's activities (44 U.S.C. 3101). U.S.C. Title 7, Chapters 55 2204 state that the Secretary of Agriculture may conduct any survey or other information collection and employ any sampling or other statistical method that the Secretary determines is appropriate.

The Department is also authorized to obtain certain information under Sec. 515 of the Treasury and General Government Appropriations Act for Fiscal Year 2001 (44 U.S.C. 3516, Pub. L. 106-554) as well as Title 5 Part I Chapter 3-301, and 5 U.S.C. 552 § 552a.

See also: 5 U.S.C. Chapter 552; 44 U.S.C. Chapters 21, 29, 31, and 33 (Records Management); 18 U.S.C. 2071; 44 U.S.C. 3101 *et seq.*; 44 U.S.C. 3506; Title 7 CFR 2.37; 36 CFR Chapter 12, Subpart B; 36 CFR part 1234, eGovernment Act of 2002 (Pub. L. 107-347, 44 U.S.C. Ch. 36); OMB Circular A-130; NARA General Records Schedules and Forest Service Mission-specific records retention schedules approved by NARA for NARA Records Group 95.

POLICIES AND PRACTICES FOR RETRIEVABILITY OF RECORDS:

Records are maintained in accordance with Forest Service records management policy and NARA's General Records Schedule, and/or NARA-approved records schedules for NARA Records Group 95. Depending on the application being used, records may be retrieved by Name or Unique identifier such as: Social security number, tax identification number, passport number, driver's license number, agency assigned number, case number, account number or permit number, as appropriate.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records covered by this Privacy Act System of Records Notices (SORN) are managed according to records retention schedules approved by the NARA. Records schedules used to retain and manage records are found in Chapter 40 of Forest Service Handbook 6209.11—Records Management Handbook. This Handbook is available on the Forest Service website at <https://www.fs.fed.us/about-agency/regulations-policies/>. All unscheduled records meaning records without a National Archives-approved records retention schedule are retained until a records retention schedule is approved by the National Archives. Once a schedule is approved, all existing records will be processed according to the requirements set forth in that schedule.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

When applicable, paper records are kept in a locked or secured office or office building, and/or retained in a Forest Service secured computer system and can only be accessed by authorized Forest Service employees. Department/Forest Service safeguards electronic records in this system according to applicable rules and policies, including all applicable automated systems' security and access policies. The Forest Service has imposed strict controls to minimize the risk of compromising stored information. System access, including access to records stored in an Agency-approved repository (such as Pinyon or its successor) is limited to individuals with appropriate clearances or permissions who need to know the information for performance of official duties.

RECORD ACCESS PROCEDURES:

An individual who is the subject of a record in this system may seek access to those records that are not exempt from the access provisions set forth at 5 U.S.C. 552a(k)(2). A determination whether a record may be accessed will be made at the time a request is received. All inquiries should be addressed in accordance with the "Notification procedures" below.

CONTESTING RECORDS PROCEDURES:

Any individual may contest information contained within a record in the system that pertains to him/her by submitting a written request to the system manager at the address indicated in the "Notification procedures" section. Include the reason for contesting the record and the proposed amendment to the information with supporting documentation to show how the record is inaccurate.

NOTIFICATION PROCEDURES:

Individuals seeking access to records contained in this system of records, or seeking to contest content, may submit a request in writing to the Forest Service FOIA/Privacy Act Officer (contact information at <https://www.dm.usda.gov/foia/poc.htm>). If an individual believes more than one Department component maintains Privacy Act records concerning him or her, the individual may submit the request to the Departmental FOIA Officer, 1400 Independence Avenue SW, South Building Room 4104, Washington, DC 20250-0706; email: USDAFOIA@ocio.usda.gov.

The request should include a daytime phone number and email. Provide as much information as possible about the

subject matter of the records you are requesting. This will help facilitate the search process.

If you are making a request for records about yourself, you may receive greater access by providing either a notarized statement or a statement signed under penalty of perjury stating that you are the person who you say you are.

Provide your full name, date, and either: (1) Have your signature witnessed by a notary; or (2) include the following statement immediately above the signature on your request letter: "I declare under penalty of perjury that the foregoing is true and correct. Executed on [date]." Requests that do not contain the required declaration will be processed under the Freedom of Information Act (FOIA), and, if records are found, you may not receive as much information, including information about you. If additional information is required to fulfill a Privacy Act request, you will be notified.

If you want records about yourself to be released to a third party (such as a law firm or other organization requesting records on your behalf), the third party may receive greater access if they have permission from you.

You will need a signed and dated statement that the Forest Service may release records pertaining to you. Include your name; date of birth; name of the person or organization to whom you want your records disclosed (where applicable); their contact information; and list of records that may be released (all, emails, medical records, etc.). The person about whom the records will be released should include a statement indicating that they understand that knowingly or willingly seeking or obtaining access to records about another person under false pretenses and/or without their consent is punishable by a fine of up to \$5,000.

Requests must be for access to existing records. The Forest Service FOIA Office will not create records for the purpose of responding to a FOIA or Privacy Act request.

- FOIA excludes Federal agencies from its definition of persons permitted to make FOIA requests [see 5 U.S.C. 552(a)(3)(A) and 5 U.S.C. 551(2)]. To avoid confusion as to whether Federal employees are requesting information in their personal or official capacities, requests from Federal employees should be submitted using personal resources.

Any individual may request general information regarding this system of records or information as to whether the system contains records pertaining to him/her. All inquiries pertaining to this system should be in writing, must name the system of records as set forth in the

system notice, and must contain the individual's name, telephone number, address, and email address (see specific instructions above).

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

HISTORY:

The Forest Service proposes to create a new system of records entitled "USDA/Forest Service-63 Application Cloud Environment (FS ACE) System of Records" that will be used to maintain records of activities conducted by the Agency pursuant to its mission and responsibilities.

Dated: June 29, 2021.

Victoria Christiansen,
Chief, USDA Forest Service.

[FR Doc. 2021-14278 Filed 7-2-21; 8:45 am]

BILLING CODE 3411-15-P

DEPARTMENT OF AGRICULTURE

Forest Service

Privacy Act of 1974; System of Records

AGENCY: Forest Service, U.S. Department of Agriculture.

ACTION: Notice of a modified system of records.

SUMMARY: In accordance with the Privacy Act of 1974, and Office of Management and Budget (OMB) Circular No. A-108, the U.S. Department of Agriculture (USDA or Department) proposes to modify the current system of records entitled "Department of Agriculture, Forest Service, FS-33—Law Enforcement and Investigative Records" (LEIRS). This system allows Law Enforcement and Investigations to record claims and criminal activities in the National Forests which include verified violations of criminal statutes and/or Agency policy, as well as situations that may result in civil claims for or against the government. This information helps the Agency meet its objective of contributing to Officers, Forest Service employees, and National Forest visitor safety.

DATES: This notice is applicable upon publication, subject to a 30-day period in which to comment on the routine uses described below. Comments must be submitted by August 5, 2021.

ADDRESSES: You may submit comments, identified by docket number FS-2021-0002 by one of the following methods:

- Federal e-Rulemaking Portal:** <https://www.regulations.gov>. Follow the instructions for submitting comments.

- Email:** Curtis Davis, curtis.davis@usda.gov.

- Mail:** Director, Law Enforcement and Investigations (Mail Stop 1140), USDA Forest Service, P.O. Box 96090, Washington, DC 20250.

Instructions: All submissions must include the Agency name and docket number for this rulemaking. All comments received will be posted without change to <https://www.regulations.gov>, including any personal information provided.

Docket: For access to the docket, to read background document, or comments received, go to <https://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT: For general questions please contact: U.S. Department of Agriculture, Forest Service, Law Enforcement and Investigations Staff, Curtis Davis, (703) 605-4730, or Fax (703) 605-5114, or email curtis.davis@usda.gov, 1400 Independence Avenue SW, (Mail Stop 1140), Washington, DC 20250. For privacy questions, please contact: Sullie Coleman, Chief Privacy Officer, Office of the Chief Information Officer, Department of Agriculture, Washington, DC 20250 or at sullie.coleman@usda.gov or by phone at (202) 604-0467.

SUPPLEMENTARY INFORMATION: The purpose of changes to this system of records are:

- To provide the procedures that allow individuals to gain access to their information maintained in its System of Records Notice (SORN) as outlined in section 6 (Notice) and section 7 (Access, Redress, and Correction) of the LEIRS, formally known as LEIMARS, Privacy Impact Assessment (PIA).

- To reflect changes in practice and policy that affect the personally identifiable information (PII) maintained in its system of records. The LEIRS, formally known as LEIMARS, database system is not accessible to the public. The information is shared on a need-to-know basis with Law Enforcement partners and the Federal, State, and local court systems. Information such as statistical crime analysis, including but not limited to the number of incidents and cases but excluding PII, is shared within Congress and other agencies on a need-to-know basis.

The intended effect of these changes is to show individuals their PII information is secured in LEIRS, formally known as LEIMARS.

The Forest Service proposes to modify a system of records, entitled "USDA/FS-33 Law Enforcement and Investigative Records" that will be used to maintain records of activities

conducted by the Agency pursuant to its mission and responsibilities.

The Forest Service Law Enforcement Investigations Reporting System (LEIRS), formally known as Law Enforcement Investigations Management Attainment Reporting System (LEIMARS) is primarily a criminal database and is used to collect information concerning criminal incidents that includes the PII related to suspects, witnesses, and victims in addition to information pertaining to the investigation of criminal activity. The LEIRS, formally known as LEIMARS, system collects the following information (that may be considered PII): First name, last name, middle initial, date of birth, home or mailing address, work address, driver's license, fishing license, hunting license, military issued ID, school issued ID, social security ID, state issued ID, height, weight, race, sex, hair color, eye color, adult/juvenile, and occupation. LEIRS, formally known as LEIMARS, is also used to document incidents that may be non-criminal in nature, primarily pertaining to civil cases which may result in a claim for or against the government.

Consistent with USDA's information sharing mission, information stored in LEIRS, formally known as LEIMARS, may be shared with other USDA components, as well as appropriate Federal, State, local, tribal, foreign, or international government agencies. This sharing will only take place after USDA determines that the receiving component or agency has a need to know the information to carry out national security, law enforcement, immigration, intelligence, or other functions consistent with the routine uses set forth in this system of records notice.

The Privacy Act embodies fair information principles in a statutory framework governing the means by which the United States Government collects, maintains, uses, and disseminates personally identifiable information. The Privacy Act applies to information that is maintained in a "system of records." A "system of records" is a group of any records under the control of an agency for which information is retrieved by the name of an individual or by some identifying number, symbol, or other identifying particular assigned to the individual. In the Privacy Act, an individual is defined to encompass United States citizens and legal permanent residents.

The Privacy Act of 1974, as amended (5 U.S.C. 552a), requires agencies to publish in the **Federal Register** notice of new or revised systems of records

maintained by the Agency. A system of records is a group of any records under the control of any agency from which information is retrieved by the name of an individual or by some identifying number, symbol, or other identifying particular assigned to an individual. In accordance with 5 U.S.C. 552a(r), USDA has provided a report of this system change to the Office of Management and Budget and to Congress.

TITLE OF BUSINESS ADDRESS OF THE AGENCY OFFICIAL RESPONSIBLE FOR THE SYSTEM OF RECORD:

Chief information Officer, U.S. Department of Agriculture, Forest Service, 1400 Independence Avenue SW, Washington, DC 20250.

SYSTEM NAME AND NUMBER:

Law Enforcement Investigations Reporting System, formally known as Law Enforcement Management Attainment Reporting System (LEIMARS), USDA/FS-33 Law Enforcement and Investigative Records.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

LEIMARS is a centralized database and is hosted on the Forest Service Application Cloud Environment (ACE) which is physically located at the National Information Technology Center (NITC), 8930 Ward Parkway, Kansas City, MO 64114.

SYSTEM MANAGER:

The Director, Law Enforcement and Investigations (LEI), U.S. Department of Agriculture, Forest Service, 1400 Independence Avenue SW, (Mail Stop 1140), Washington, DC 20250.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 16, United States Code, section 559.

PURPOSE(S) OF THE SYSTEM:

LEIRS, formally known as LEIMARS, is a national database used by Forest Service LEI consisting of approximately 600 to 700 users dispersed throughout the nine Forest Service Regions. The information is being collected to document all criminal and civil investigations that take place or are related to crimes committed on National Forest System lands.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals covered by the system include:

- *Subjects*: Individuals against whom allegations of wrongdoing have been made or who have committed a violation.

- *Principals*: Individuals not named as subjects, but who may be responsible for alleged violations.

- *Complainants*: Those who allege wrongdoing.

- *Others*: Those closely connected with or contacted about an investigation or law enforcement issues.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system consists of files containing reports of investigation, correspondence, informal notes, statements of witnesses, names, addresses, social security numbers, dates of birth, law enforcement reports, and other available incident information to investigations conducted, enforcement actions, or violations.

RECORD SOURCE CATEGORIES:

LEIRS, formally known as LEIMARS, is primarily a criminal and civil investigation database and is used to collect information concerning criminal incidents that includes the PII related to suspects, witnesses, and victims in addition to information pertaining to the investigation of criminal activity. The LEIRS, formally known as LEIMARS, system collects the following information (that may be considered PII): First name, last name, middle initial, date of birth, home or mailing address, work address, driver's license, fishing license, hunting license, military issued ID, school issued ID, social security ID, state issued ID, height, weight, race, sex, hair color, eye color, adult/juvenile, and occupation, handwriting or an image of the signature. LEIRS, formally known as LEIMARS, is also used to document incidents that may be non-criminal in the nature, primarily pertaining to civil cases which may result in a claim for or against the government.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, routine uses are defined as disclosures where information is routinely shared whether internally or externally. Below are routine uses applicable to LEIMARS:

A. Sharing information with the Department of Justice (DOJ) when: (a) USDA or any component thereof; or (b) any employee of USDA in his or her official capacity where the Department of Justice has agreed to represent the employee; or (c) the United States Government is a party to litigation or has an interest in such litigation, and, by careful review, USDA determines that the records are both relevant and

necessary to the litigation and the use of such records by the Department of Justice is therefore deemed by USDA to be for a purpose that is compatible with the purpose for which USDA collected the records.

B. Sharing information with a congressional office in response to an inquiry from that congressional office made at the written request of the individual to whom the record pertains.

C. Sharing information with the National Archives and Records Administration (NARA) or other Federal government agencies pursuant to records management inspections being conducted under the authority of 44 U.S.C. 2904 and 2906.

D. Sharing information with an agency, organization, or individual for the purpose of performing audit or oversight operations as authorized by law but only such information as is necessary and relevant to such audit or oversight function.

E. Sharing information with appropriate agencies, entities, and persons when: (1) USDA suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised; (2) USDA has determined that as a result of the suspected or confirmed breach, there is a risk of harm to individuals, USDA (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with USDA's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

F. Sharing information when a record on its face, or in conjunction with other records, indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, disclosure may be made to the appropriate agency, whether Federal, foreign, State, local, or tribal, or other public authority responsible for enforcing, investigating, or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto, if the information disclosed is relevant to any enforcement, regulatory, investigative, or prosecutorial responsibility of the receiving entity. Referral to the appropriate agency, whether Federal, State, local, or foreign, charged with the responsibility of investigating or prosecuting violation of law, or of

enforcing or implementing a statute, rule, regulation, or order issued pursuant thereto, of any record within the system when information available indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature.

G. Sharing information with another Federal agency or Federal entity when information from this system of records is reasonably necessary to assist the recipient agency or entity in (a) responding to a suspected or confirmed breach or (b) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

H. To a court or adjudicative body in a proceeding when: (a) USDA or any component thereof; or (b) any employee of USDA in his or her official capacity; or (c) any employee of USDA in his or her individual capacity where USDA has agreed to represent the employee or the United States Government, is a party to litigation or has an interest in such litigation, and by careful review, USDA determines that the records are both relevant and necessary to the litigation and the use of such records is therefore deemed by USDA to be for a purpose that is compatible with the purpose for which USDA collected the records.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

All hard copies of documents related to case investigations are stored in a room with an extra security lock. This local security serves as an additional measure to ensure that only authorized personnel can access these documents. Each USDA mission area, agency, and staff office creates and maintains proper and adequate documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the Department. This documentation protects the legal and financial rights of the Government and of persons directly affected by the Department's activities (44 U.S.C. 3101). U.S.C. Title 7, Chapters 55—2204 state that the Secretary of Agriculture may conduct any survey or other information collection and employ any sampling or other statistical method that the Secretary determines is appropriate.

The Department is also authorized to obtain certain information under Section 515 of the Treasury and General

Government Appropriations Act for Fiscal Year 2001 (Pub. L. 106–554, codified at 44 U.S.C. 3516) as well as Title 5, Part I, Chapter 3—301, and 5 U.S.C. 552—Sec. 552a. *See also* 5 U.S.C. Chapter 552; 44 U.S.C. Chapters 21, 29, 31, and 33 (Records Management); 18 U.S.C. 2071; 44 U.S.C. 3101 *et seq.*; 44 U.S.C. 3506; Title 7 CFR 2.37; 36 CFR Chapter 12, Subchapter B; 36 CFR part 1234, eGovernment Act of 2002 (Pub. L. 107–347, 44 U.S.C. Ch. 36); OMB Circular A–130; NARA General Records Schedules and Forest Service Mission-specific records retention schedules approved by NARA for NARA Records Group 95.

POLICIES AND PRACTICES FOR RETRIEVABILITY OF RECORDS:

Records are maintained in accordance with Forest Service records management policy and NARA's General Records Schedule and/or NARA-approved records schedules for NARA Records Group 95. Records are maintained in categories organized by subject matter under the following file codes:

5300—“Law Enforcement
5310—“Planning”
5320—“Investigation”
5330—“Law Violations”
5340—“Reports”
5350—“Procedures”
5360—“Cooperative Law
Enforcement”
5370—“Suitability Requirements,
Training, and Standards”
5380—“Law Enforcement
Equipment”
5390—“Damage Appraisal and
Claims”

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records covered by this Privacy Act SORN are managed according to records retention schedules approved by NARA. Records schedules used to retain and manage records are found in Chapter 40 of Forest Service Handbook 6209.11—Records Management Handbook. This Handbook is available on the Forest Service website at <https://www.fs.usda.gov/about-agency/regulations-policies>. All unscheduled records, that is, records without a NARA-approved records retention schedule, are retained until a records retention schedule is approved by NARA. Once a schedule is approved, all existing records will be processed according to the requirements set forth in that schedule.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Computer files are password protected. When applicable, paper records are kept in a locked or secured

office or office building and can be accessed by authorized Forest Service employees. The Department/Forest Service safeguards electronic records in this system according to applicable rules and policies, including all applicable automated systems' security and access policies. The Forest Service has imposed strict controls to minimize the risk of compromising stored information. System access is limited to individuals with appropriate clearances or permissions who need to know the information for performance of official duties.

RECORD ACCESS PROCEDURES:

Individuals are not allowed to access their information through the LEIMARS database. Although access to the system may be denied, any person, including U.S. citizens, foreign nationals, organizations, universities, businesses, and state and local governments, can file a Freedom of Information Act (FOIA) request to acquire copies of records of the system. Federal employees may not use government time or equipment when requesting information under the FOIA. Individuals seeking access to records contained in this system of records, or seeking to contest content, may submit a request in writing to the Forest Service FOIA/Privacy Act Officer (contact information at <https://www.dm.usda.gov/foia/poc.htm>). If an individual believes more than one Department component maintains Privacy Act records concerning him or her, the individual may submit the request to the Departmental FOIA Officer, 1400 Independence Avenue SW, South Building Room 4104, Washington, DC 20250-0706, email: USDAFOIA@ocio.usda.gov. The request should include a daytime phone number and email. Provide as much information as possible about the subject matter of the records you are requesting. This will help facilitate the search process. If you are making a request for records about yourself, you may receive greater access by providing either a notarized statement or a statement signed under penalty of perjury stating that you are the person who you say you are. Provide your full name, date, and either: (1) Have your signature witnessed by a notary; or (2) include the following statement immediately above the signature on your request letter: "I declare under penalty of perjury that the foregoing is true and correct. Executed on [date]." Requests that do not contain the required declaration will be processed under the FOIA and, if records are found, you may not receive as much

information, including information about you. If additional information is required to fulfill a Privacy Act request, you will be notified. If you want records about yourself to be released to a third party (such as a law firm or other organization requesting records on your behalf), the third party may receive greater access if they have permission from you. You will need a signed and dated statement that the Forest Service may release records pertaining to you. Include your name, date of birth, name of the person or organization to whom you want your records disclosed (where applicable), their contact information, and list of records that may be released (all emails, medical records, etc.). The person about whom the records will be released should include a statement indicating that they understand that knowingly or willingly seeking or obtaining access to records about another person under false pretenses and/or without their consent is punishable by a fine of up to \$5,000.

Requests must be for access to existing records. The Forest Service FOIA Office will not create records for the purpose of responding to a FOIA or Privacy Act request. FOIA excludes Federal agencies from its definition of persons permitted to make FOIA requests (see 5 U.S.C. 552(a)(3)(A) and 5 U.S.C. 551(2)). To avoid confusion as to whether Federal employees are requesting information in their personal or official capacities, requests from Federal employees should be submitted using personal resources.

CONTESTING RECORDS PROCEDURES:

Any individual may contest information contained within a record in the system that pertains to him/her by submitting a written request to the system manager at the address above. Include the reason for contesting the record and the proposed amendment to the information with supporting documentation to show how the record is inaccurate.

NOTIFICATION PROCEDURES:

LEIRS, formally known as LEIMARS, contains information about individuals that is recorded on a Violation Notice. Individuals who receive a Violation Notice are provided with a copy at the time of the incident. The notification provides a copy of all recorded information to individuals.

Information to individuals is provided via:

- LEIRS, formally known as LEIMARS, Privacy Impact Analysis on the Department Privacy Impact Analysis website, <https://www.usda.gov/home/>

[privacy-policy/privacyimpact-assessments](#).

- The **Federal Register** for System of Records Notices and legal authorities.
- Forest Service-specific System of Records Notices are also published on the Forest Service website <https://www.fs.fed.us/im/foia/pasystems.htm>.
- Forms associated with Privacy Act systems are approved through the Office of Management and Budget under the Paperwork Reduction Act (also cited in the **Federal Register**); the forms cite the Privacy Act.

Any individual may request general information regarding this system of records or information as to whether the system contains records pertaining to him/her. All inquiries pertaining to this system should be in writing, must name the system of records as set forth in the system notice, and must contain the individual's name, telephone number, address, and email address (see specific instructions above).

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system has been exempted pursuant to 5 U.S.C. 552a(k)(2) from the requirements of 5 U.S.C. 552a(c)(3), 552a(d), 552a(e)(1), 552a(e)(3), 552a(4)(h)–(i), and 552a(f) (see 7 CFR 1.123). This exemption will only be used to maintain the efficiency and integrity of lawful investigations and to prevent access to certain law enforcement files that potentially could alert subjects of investigations that their activities are being scrutinized and thus allow them time to take measures to prevent detection of illegal action or escape prosecution. Any individual who feels that he or she has been denied any right, privilege, or benefit for which he or she would otherwise be eligible as a result of the maintenance of such material may request access to the material. Such requests should be addressed to the System Manager.

HISTORY:

Document Citation—69 FR 56031, pages 56031–56032 (2 pages), FR Doc. 04–20930 Filed 9–16–04; 8:45 a.m.

Dated: June 29, 2021.

Victoria Christiansen,
Chief, USDA Forest Service.

[FR Doc. 2021–14277 Filed 7–2–21; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Forest Service

Information Collection; Pesticide-Use Proposal

AGENCY: Forest Service, Agriculture (USDA).

ACTION: Notice; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Forest Service is seeking comments from all interested individuals and organizations on the renewal of a currently approved information collection, Pesticide-Use Proposal.

DATES: Comments must be received in writing on or before September 7, 2021 to be assured of consideration. Comments received after that date will be considered to the extent practicable.

ADDRESSES: Comments concerning this notice should be addressed:

Email: stephen.covell@usda.gov.

Mail: Stephen A. Covell, USDA Forest Service, Forest Health Protection, 1400 Independence Avenue SW, Mail Stop 1110, Washington, DC 20250.

Please do not include in your comments information of a confidential nature, such as sensitive personal information or proprietary information. If you send an email comment, your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the internet. Please note that responses to this public comment request containing any routine notice about the confidentiality of the communication will be treated as public comments that may be made available to the public notwithstanding the inclusion of the routine notice.

The public may request an electronic copy of the draft supporting statement and/or any comments received be sent via return email. Requests should be emailed to stephen.covell@usda.gov.

FOR FURTHER INFORMATION CONTACT: Mr. Stephen A. Covell, State and Private Forestry, Forest Health Protection, telephone 703-605-5342, email stephen.covell@usda.gov. Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Relay Service (FRS) at 1-800-877-8339 twenty-four hours a day, every day of the year, including holidays.

SUPPLEMENTARY INFORMATION:

Title: Pesticide-Use Proposal.

OMB Number: 0596-0241.

Expiration Date of Approval: February 28, 2022.

Type of Request: Renewal of a currently approved information collection.

Abstract: USDA Forest Service (FS) has Federal land stewardship responsibilities for approximately 193 million acres. Forest Service land management responsibilities require use of integrated pest management, which in certain circumstances includes use of

pesticides. The Forest Service currently uses form FS-2100-2, Pesticide-Use Proposal (PUP) internally to collect and review pesticide-applications intended to control pests of grasslands and forests under its administrative responsibility (under FSM 2150, and FSH 2109.14). The Forest Service anticipates requests from outside entities for application of pesticides upon Forest Service administered lands within rights-of-way easements, permitted lands, and under similar circumstances.

The Forest Service proposes to use the PUP form to collect pesticide project information from those outside entities to facilitate authorization of selected activities. Completion of the PUP form includes identification of pests to be controlled, pesticide to be applied, and other regulatory compliance information such as use of certified applicators. Because diverse pesticide-use projects are designed for local conditions, it is appropriate for the PUP form to be used to ensure that essential details are uniformly assembled for review.

Proposals will be evaluated by Forest Service pesticide use coordinators and other administrative personnel to safeguard human health and ecological protection consistent with Forest Service land use management programs. Form and instructions will be posted on a Forest Service website for ready public availability.

Affected Public: Individuals and Households, Businesses and Organizations, and State, Local or Tribal Governments responsible for pest control, including vegetation management along rights-of-way, upon lands administered by the Forest Service.

Estimate of Burden per Response: 12 hours.

Estimated Annual Number of Respondents: 36.

Estimated Annual Number of Responses: 50.

Estimated Total Annual Burden on Respondents: 600 hours.

Comment is Invited: Comment is invited on: (1) Whether this collection of information is necessary for the stated purposes and the proper performance of the functions of the Agency, including whether the information will have practical or scientific utility; (2) the accuracy of the Agency's estimate of the burden 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 to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including the use of automated, electronic, mechanical, or

other technological collection techniques or other forms of information technology.

All comments received in response to this notice, including names and addresses when provided, will be a matter of public record. Comments will be summarized and included in the submission request toward Office of Management and Budget approval.

Jaelith Hall-Rivera,

Acting Deputy Chief, State & Private Forestry.

[FR Doc. 2021-14262 Filed 7-2-21; 8:45 am]

BILLING CODE 3411-15-P

DEPARTMENT OF AGRICULTURE

Forest Service

Privacy Act of 1974; System of Records

AGENCY: Forest Service, U.S. Department of Agriculture.

ACTION: Notice of a modified system of records.

SUMMARY: In accordance with the Privacy Act of 1974, the U.S. Department of Agriculture (USDA or Department) proposes to modify and reissue the current system of records entitled "Department of Agriculture, Forest Service, Mineral Lessees and Permittees." This system allows the Forest Service Minerals and Geology program to support Forests and Grasslands to manage locatable minerals and mineral materials. This information helps the Agency meet its objectives to explore, develop, and produce mineral resources.

DATES: Submit comments on or before August 5, 2021. This new system will be effective August 5, 2021.

ADDRESSES: You may submit comments, identified by docket number FS-2021-0003 by one of the following methods:

- *Federal e-Rulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments;
- *Email:* Chad Hood for smaller notices, chad.hood@usda.gov; or
- *Mail:* Chad Hood, Geologist, Minerals and Geology Management, 1249 South Vinnell Way, Suite 200, Boise, ID 83709.

Instructions: All submissions received must include the agency name and docket number for this rulemaking. All comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided.

Docket: For access to the docket to read background documents or comments received, go to <http://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT: For general questions and privacy issues please contact: U.S. Department of Agriculture's Forest Service, Minerals and Geology Management, Geologist, Chad Hood (208) 373-4190, 1249 South Vinnell Way, Suite 200, Boise, ID 83709; for privacy questions, please contact: Sullie Coleman, Chief Privacy Officer, by email at sullie.coleman@usda.gov or by telephone at (202) 604-0467.

SUPPLEMENTARY INFORMATION: The Privacy Act of 1974, as amended (5 U.S.C. 552a), requires agencies to publish in the **Federal Register** notice of new or revised systems of records maintained by the Agency. A system of records is a group of any records under the control of any agency from which information is retrieved by the name of an individual or by some identifying number, symbol, or other identifying particular assigned to an individual.

The Forest Service proposes to modify a system of records, entitled "USDA/Forest Service-16 Mineral Lessees and Permittees System of Records," that will be used to maintain records of activities conducted by the Agency pursuant to its mission and responsibilities.

The Forest Service is modifying the system name to Mineral Operators and Activities and adding categories of individuals covered by the system; categories of records in the system; updating the way records are maintained; adding (#) routine uses and modifying (#) routine uses; and adding system managers for an existing Privacy Act system of records.

Title and Business Address of the Agency Official Responsible for the System of Record: Chief Information Officer, U.S. Department of Agriculture's Forest Service, 1400 Independence Avenue SW, Washington, DC 20250.

SYSTEM NAME AND NUMBER:

USDA/Forest Service-16 Mineral Lessees and Permittees System of Records.

Mineral Operators and Activities System, CSAM ID: 1075, External ID: 643, UIC Code: 005-96-01-11-01-2137-00.

SECURITY CLASSIFICATION:

Controlled Unclassified Information (CUI).

SYSTEM LOCATION:

All data is maintained in the National Resource Manager (NRM) General Support System (GSS) located at the National Information Technology Center (NITC) in Kansas City, Missouri. Paper records are located at the Regional Forester, Forest Supervisor, and District

Ranger offices. The addresses for these locations are available on the Forest Service website, at <https://www.fs.usda.gov/organization>. The addresses for the Regional Foresters and Forest Supervisors are also listed in 36 CFR part 200, subpart A; and addresses for District Rangers are in the telephone directory of the applicable locality under the heading, United States Government, Department of Agriculture, Forest Service.

SYSTEM MANAGER:

The Director, Minerals and Geology Management, Forest Service, U.S. Department of Agriculture, 1400 Independence Avenue SW, Mailstop 1126, Washington, DC 20250; Regional Minerals Directors are located in the Regional Forester, Forest Supervisor; and District Ranger offices.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 4321 National Environmental Policy Act (NEPA); Public Law 113-79 Agriculture Act 2014;

Public Law 94-588 National Forest Management Act of 1976;

36 CFR 228 subpart A, Locatable Minerals;

36 CFR 228 subpart C, Salable Minerals.

PURPOSE(S) OF THE SYSTEM:

The purpose of this system of records is to maintain records related to individuals or companies who have applied for or hold mineral material contract's or permit's issued by the Forest Service covering National Forest System lands; locatable mineral operators on National Forest System lands; and lessees and assignees of any mineral materials contract, permit, or locatable mineral operations. The Forest Service uses these records to ensure mining projects are administered and reclaimed in compliance with mining and environmental regulations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals covered by the system include members of the public who have applied for or hold mineral material contracts or permits issued by the Forest Service covering National Forest System lands; locatable mineral operators on National Forest System lands; and lessees and assignees of any mineral materials contract, permit, or locatable mineral operations.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system includes documents that may contain the name, address, or email address of members of the public who have applied for or hold mineral

permits, contracts, a plan of operations, or a notice of intent. The information consists of inter- and intra-agency, Secretarial, Presidential, and Congressional correspondence; correspondence to/from individuals covered by the system of records; notices of intent to operate; operating plans; evaluation of surface disturbance and related mitigation; reclamation plans and bonds; mineral evaluations; environmental reports; reports of mineral examinations and pleadings; permits; sale contracts; and authorized field contact for any minerals related activity.

RECORDS SOURCE CATEGORIES:

Information maintained in this system is provided by the members of the public and Agency staff personnel. Forest Service forms FS-2800-5 (OMB No. 0596-0022) and FS-2800-9 (OMB No. 0596-0081) are used to collect information.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, records contained in a system may be disclosed outside the Department as follows:

A. To the appropriate agency, whether Federal, State, local, Tribal, foreign, or other public authority responsible for enforcing, investigating, or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto when a record on its face, or in conjunction with other records, indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program, statute, or by regulation, rule, or order issued pursuant thereto, disclosure may be made if the information disclosed is relevant to any enforcement, regulatory, investigative, or prospective responsibility of the receiving entity.

B. To the Department of Justice, when the Agency—or any component thereof, or any employee of the Agency in his or her official capacity, or any employee of the Agency in his or her individual capacity where the Department of Justice has agreed to represent the employee, or the United States, in litigation, where the Agency determines that litigation is likely to affect the Agency or any of its components—is a party to litigation or has an interest in such litigation, and the use of such records by the Department of Justice is deemed by the Agency to be relevant

and necessary to the litigation; provided, however, that in each case, the Agency determines that disclosure of the records to the Department of Justice is a use of the information contained in the records that is compatible with the purpose for which the records were collected.

C. To a Member of Congress or to a congressional staff member in response to an inquiry of the congressional office made at the written request of the constituent about whom the record is maintained.

D. To agency contractors, grantees, experts, consultants, or volunteers who have been engaged by the agency to assist in the performance of a service related to this system of records and who need to have access to the records in order to perform the activity. Recipients shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).

E. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

F. To the National Archives and Records Administration (NARA) or to the General Services Administration for records management inspection conducted under 44 U.S.C. 2904 and 2906.

G. To the news media and the public, with the approval of the Chief Privacy Officer in consultation with counsel, when there exists a legitimate public interest in the disclosure of the information, when disclosure is necessary to preserve confidence in the integrity of USDA, or when disclosure is necessary to demonstrate the accountability of USDA's officers, employees, or individuals covered by the system, except to the extent the Chief Privacy Officer determines that release of the specific information in the context of a particular case would constitute a clearly unwarranted invasion of personal privacy.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

All records are stored electronically or on paper in secure facilities in a locked drawer behind a locked door. The records may be stored on digital media. Each USDA mission area, agency, and staff office creates and maintains proper and adequate documentation of the organization, functions, policies, decisions, procedures, and essential

transactions of the Department. This documentation protects the legal and financial rights of the Government and of persons directly affected by the Department's activities (44 U.S.C. 3101). U.S.C. Title 7, Chapters 55—2204 state that the Secretary of Agriculture may conduct any survey or other information collection and employ any sampling or other statistical method that the Secretary determines is appropriate.

The Department is also authorized to obtain certain information under Sec. 515 of the Treasury and General Government Appropriations Act for Fiscal Year 2001 (44 U.S.C. 3516, Pub. L. 106—554) as well as Title 5 Part I Chapter 3—301, and 5 U.S.C. 552 552a.

See also: 5 U.S.C. Chapter 552; 44 U.S.C. Chapters 21, 29, 31, and 33 (Records Management); 18 U.S.C. 2071; 44 U.S.C. 3101 *et seq.*; 44 U.S.C. 3506; Title 7 CFR 2.37; 36 CFR Chapter 12, Subpart B; 36 CFR part 1234, eGovernment Act of 2002 (Pub. L. 107—347, 44 U.S.C. Ch. 36); OMB Circular A—130; NARA General Records Schedules, and Forest Service Mission-specific records retention schedules approved by NARA for NARA Records Group 95.

POLICIES AND PRACTICES FOR RETRIEVABILITY OF RECORDS:

Records are maintained in accordance with Forest Service records management policy and NARA's General Records Schedule and/or NARA-approved records schedules for NARA Records Group 95. Records are maintained in categories organized by subject matter under the following file codes:

- 2800—MINERALS AND GEOLOGY
- 2810—“MINING CLAIMS”
- 2840—“RECLAMATION”
- 2850—“MINERAL MATERIALS”
- 2860—“FOREST SERVICE

AUTHORIZED PROSPECTING AND MINERAL COLLECTING”

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records covered by this Privacy Act System of Records Notices (SORN) are managed according to records retention schedules approved by NARA. Records schedules used to retain and manage records are found in Chapter 40 of Forest Service Handbook 6209.11—Records Management Handbook. This Handbook is available on the Forest Service website at <https://www.fs.usda.gov/about-agency/regulations-policies>. All unscheduled records—meaning records without a NARA-approved records retention schedule—are retained until a records retention schedule is approved by NARA. Once a schedule is approved, all existing records will be processed

according to the requirements set forth in that schedule.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

When applicable, paper records are kept in a locked or secured office or office building, and/or retained in a Forest Service secured computer system and can only be accessed by authorized Forest Service employees. Department/Forest Service safeguards electronic records in this system according to applicable rules and policies, including all applicable automated systems' security and access policies. The Forest Service has imposed strict controls to minimize the risk of compromising stored information. System access, including access to records stored in an Agency approved repository (such as Pinyon or its successor), is limited to individuals with appropriate clearances or permissions who need to know the information for performance of official duties.

The NRM applications, which houses the information in this system, have Oracle roles defined in the database. These roles define what level of access a user assigned that Oracle role may have. The User Management Application (UMA) is used to assign these roles, as well as to determining what subsets of the data—referred to as organizational units—a user may have access. UMA has an automated process to request and approve access to applications on the NRM General Support System. A user requests specific roles and organizational codes that allow access to specific subsets of data. The request is automatically forwarded to the requester's UMA Manager who approves or denies the request. The UMA manager is responsible for determining what level of access a given user requires to fulfill job responsibilities.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records contained in this system of records, or seeking to contest content, may submit a request in writing to the Forest Service FOIA/Privacy Act Officer (contact information at <https://www.dm.usda.gov/foia/poc.htm>). If an individual believes more than one Department component maintains Privacy Act records concerning him or her, the individual may submit the request to the Departmental Freedom of Information Act Officer, 1400 Independence Avenue SW, South Building Room 4104, Washington, DC 20250—0706, email: USDAFOIA@ocio.usda.gov.

The request should include a daytime phone number and email. Provide as much information as possible about the subject matter of the records you are requesting. This will help facilitate the search process.

If you are making a request for records about yourself, you may receive greater access by providing either a notarized statement or a statement signed under penalty of perjury stating that you are the person who you say you are.

Provide your full name, date, and either: (1) Have your signature witnessed by a notary; or (2) include the following statement immediately above the signature on your request letter: "I declare under penalty of perjury that the foregoing is true and correct. Executed on [date]." Requests that do not contain the required declaration will be processed under FOIA, and, if records are found, you may not receive as much information, including information about you. If additional information is required to fulfill a Privacy Act request, you will be notified.

If you want records about yourself to be released to a third party (such as a law firm or other organization requesting records on your behalf), the third party may receive greater access if they have permission from you.

You will need a signed and dated statement that the Forest Service may release records pertaining to you. Include your name; date of birth; name of the person or organization to whom you want your records disclosed (where applicable); their contact information; list of records that may be released (all, emails, medical records, etc.). The person about whom the records will be released should include a statement indicating that they understand that knowingly or willingly seeking or obtaining access to records about another person under false pretenses and or without their consent is punishable by a fine of up to \$5,000.

Requests must be for access to existing records. The Forest Service FOIA Office will not create records for the purpose of responding to a FOIA or Privacy Act request.

FOIA excludes Federal agencies from its definition of persons permitted to make FOIA requests [see 5 U.S.C. 552(a)(3)(A) and 5 U.S.C. 551(2)]. To avoid confusion as to whether Federal employees are requesting information in their personal or official capacities, requests from Federal employees should be submitted using personal resources.

CONTESTING RECORDS PROCEDURES:

Any individual may contest information contained within a record in the system that pertains to him/her

by submitting a written request to the system manager at the address above. Include the reason for contesting the record and the proposed amendment to the information with supporting documentation to show how the record is inaccurate.

NOTIFICATION PROCEDURES:

Information to individuals is provided via:

- NRM Privacy Impact Analysis on the Department Privacy Impact Analysis website, <https://www.usda.gov/home/privacy-policy/privacy-impact-assessments>.
- The **Federal Register** for System of Records Notices and legal authorities.
- Forest Service-specific System of Records Notices are also published on the Forest Service website, <https://www.fs.fed.us/im/foia/pasystems.htm>.
- Forms associated with Privacy Act systems are approved through the Office of Management and Budget under the Paperwork Reduction Act (also cited in the **Federal Register**); the forms cite the Privacy Act.

Any individual may request general information regarding this system of records or information as to whether the system contains records pertaining to him/her. All inquiries pertaining to this system should be in writing, must name the system of records as set forth in the system notice, and must contain the individual's name, telephone number, address, and email address (see specific instructions above).

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

HISTORY:

The Forest Service proposes to modify a system of records entitled "USDA/ Forest Service-16 Mineral Lessees and Permittees System of Records" that will be used to maintain records of activities conducted by the Agency pursuant to its mission and responsibilities.

Dated: June 29, 2021.

Victoria Christiansen,
Chief, USDA Forest Service.

[FR Doc. 2021-14276 Filed 7-2-21; 8:45 am]

BILLING CODE 3411-15-P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B-50-2021]

Foreign-Trade Zone (FTZ) 265— Conroe, Texas; Notification of Proposed Production Activity; LUC Urethanes, Inc. (Wheels, Rollers and Friction Pads for Industrial Machinery and Material Conveyance), Conroe, Texas

The City of Conroe, Texas, grantee of FTZ 265, submitted a notification of proposed production activity to the FTZ Board on behalf of LUC Urethanes, Inc. (LUC), located in Conroe, Texas. The notification conforming to the requirements of the regulations of the FTZ Board (15 CFR 400.22) was received on June 17, 2021.

The LUC facility is located within FTZ 265. The facility is used for the production of wheels, rollers and friction pads for industrial machinery and material conveyance. Pursuant to 15 CFR 400.14(b), FTZ activity would be limited to the specific foreign-status materials and components and specific finished products described in the submitted notification (as described below) and subsequently authorized by the FTZ Board.

Production under FTZ procedures could exempt LUC from customs duty payments on the foreign-status components used in export production. On its domestic sales, for the foreign-status materials/components noted below, LUC would be able to choose the duty rates during customs entry procedures that apply to wheels, rollers and friction pads for industrial machinery and material conveyance (duty rate ranges from duty-free—3.1%). LUC would be able to avoid duty on foreign-status components which become scrap/waste. Customs duties also could possibly be deferred or reduced on foreign-status production equipment.

The components and materials sourced from abroad include: Various chain extenders [1, 4 Butanediol; 2-Methylpropyl 3,5-diamino-4-chlorobenzoate; Trisopropanolamine; 1, 3-Bis(2-hydroxyethoxy) benzene; 4,4 methylene bis (2-chloroaniline); Hydroquinone bis (2-hydroxyethyl) ether; Trimethylol propane]; various prepolymers [Toluene diisocyanate; Poly(oxy-1, 4-butanediyl), alpha-hydro-omega-hydroxy-, polymer with 2, 4-diisocyanato-1-methylbenzene; Toluene-2, 4-disocyanate; Hexanedioic acid, polymer with 2, 4-diisocyanato-1-methylbenzene and 1, 2-ethanediol, isocyanate-terminated]; various polyols

[2-oxyepanone, -polymer with 2, 2-dimethyl-1, 3-propanediol; Poly(caprolactone)diol, Average M.N 2000; Polybutadiene having terminal hydroxylene group; Diethyl ester carbonic acid polymer with 1, 6-hexandial; Poly(Ethylene Adipate); Hexanedioic acid polymer with 1,4-butanediol and 1,2 ethane]; Oxydipropyl dibenzoate; DBE diabasic ester; Short/chopped nonwoven strengthening aramid fibers; Release Agent-Low toxicity processing solvent; Lubricants/Vacuum Grease; coloring pigments with less than 80% titanium dioxide; mixture of coloring pigments with a carbon black base; mixture of coloring pigments with no dominant ingredient; steel or aluminum shafts for rollers; and, steel or aluminum roller bodies (duty rate ranges from duty-free to 6.5%).

The request indicates that certain materials/components are subject to duties under Section 301 of the Trade Act of 1974 (Section 301), depending on the country of origin. The applicable Section 301 decisions require subject merchandise to be admitted to FTZs in privileged foreign status (19 CFR 146.41).

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary and sent to: ftz@trade.gov. The closing period for their receipt is August 16, 2021.

A copy of the notification will be available for public inspection in the "Reading Room" section of the Board's website, which is accessible via www.trade.gov/ftz.

For further information, contact Diane Finver at Diane.Finver@trade.gov or (202) 482-1367.

Dated: June 30, 2021.

Andrew McGilvray,
Executive Secretary.

[FR Doc. 2021-14330 Filed 7-2-21; 8:45 am]
BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B-49-2021]

Foreign-Trade Zone 83—Huntsville, Alabama; Application for Reorganization Under Alternative Site Framework

An application has been submitted to the Foreign-Trade Zones (FTZ) Board by the Huntsville-Madison County Airport Authority, grantee of FTZ 83, requesting authority to reorganize the zone under the alternative site framework (ASF)

adopted by the FTZ Board (15 CFR Sec. 400.2(c)). The ASF is an option for grantees for the establishment or reorganization of zones and can permit significantly greater flexibility in the designation of new subzones or "usage-driven" FTZ sites for operators/users located within a grantee's "service area" in the context of the FTZ Board's standard 2,000-acre activation limit for a zone. The application was submitted pursuant to the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a-81u), and the regulations of the Board (15 CFR part 400). It was formally docketed on June 29, 2021.

FTZ 83 was approved by the FTZ Board on February 24, 1983 (Board Order 209, 48 FR 9052, March 3, 1983) and expanded on October 30, 1989 (Board Order 447, 54 FR 46430, November 3, 1989) and July 1, 1992 (Board Order 585, 57 FR 30717, July 10, 1992).

The current zone includes the following sites: *Site 1* (1,550 acres)—Huntsville International Airport and Industrial Complex, Glenn Hearn Boulevard, Huntsville; and, *Site 2* (1,014 acres)—Mallard Creek Industrial Park, Highway 72 and Red Hat Road, Decatur.

The grantee's proposed service area under the ASF would be Cherokee, Colbert, Cullman, DeKalb, Franklin, Jackson, Lauderdale, Lawrence, Limestone, Madison, Marshall, Marion, Morgan and Winston Counties, Alabama, as described in the application. If approved, the grantee would be able to serve sites throughout the service area based on companies' needs for FTZ designation. The application indicates that the proposed service area is within and adjacent to the Huntsville U.S. Customs and Border Protection port of entry.

The applicant is requesting authority to reorganize its existing zone to include both existing sites as "magnet" sites. The ASF allows for the possible exemption of one magnet site from the "sunset" time limits that generally apply to sites under the ASF, and the applicant proposes that Site 1 be so exempted. No subzones/usage-driven sites are being requested at this time. The application would have no impact on FTZ 83's previously authorized subzones.

In accordance with the FTZ Board's regulations, Christopher Kemp of the FTZ Staff is designated examiner to evaluate and analyze the facts and information presented in the application and case record and to report findings and recommendations to the FTZ Board.

Public comment is invited from interested parties. Submissions shall be addressed to the FTZ Board's Executive

Secretary and sent to: ftz@trade.gov. The closing period for their receipt is September 7, 2021. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to September 20, 2021.

A copy of the application will be available for public inspection in the "Reading Room" section of the FTZ Board's website, which is accessible via www.trade.gov/ftz. For further information, contact Christopher Kemp at Christopher.Kemp@trade.gov.

Dated: June 29, 2021.

Andrew McGilvray,
Executive Secretary.

[FR Doc. 2021-14300 Filed 7-2-21; 8:45 am]
BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B-19-2021]

Foreign-Trade Zone (FTZ) 59—Lincoln, Nebraska, Authorization of Production Activity, Zoetis Services, LLC (Pharmaceutical Products), Lincoln, Nebraska

On March 2, 2021, Zoetis Services, LLC submitted a notification of proposed production activity to the FTZ Board for its facility within Subzone 59E, in Lincoln, Nebraska.

The notification was processed in accordance with the regulations of the FTZ Board (15 CFR part 400), including notice in the **Federal Register** inviting public comment (86 FR 14406, March 16, 2021). June 30, 2021, the applicant was notified of the FTZ Board's decision that no further review of the activity is warranted at this time. The production activity described in the notification was authorized, subject to the FTZ Act and the FTZ Board's regulations, including Section 400.14.

Dated: June 30, 2021.

Andrew McGilvray,
Executive Secretary.

[FR Doc. 2021-14302 Filed 7-2-21; 8:45 am]
BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE**Foreign-Trade Zones Board**

[B-17-2021]

Foreign-Trade Zone (FTZ) 93—Raleigh/Durham, North Carolina, Authorization of Production Activity, Liebel-Flarsheim Company, LLC (Diagnostic Imaging Contrast Media), Raleigh, North Carolina

On March 2, 2021, Liebel-Flarsheim Company, LLC, submitted a notification of proposed production activity to the FTZ Board for its facility within FTZ 93, in Raleigh, North Carolina.

The notification was processed in accordance with the regulations of the FTZ Board (15 CFR part 400), including notice in the **Federal Register** inviting public comment (86 FR 13524-13525, March 9, 2021). On June 30, 2021, the applicant was notified of the FTZ Board's decision that no further review of the activity is warranted at this time. The production activity described in the notification was authorized, subject to the FTZ Act and the FTZ Board's regulations, including Section 400.14.

Dated: June 30, 2021.

Andrew McGilvray,
Executive Secretary.

[FR Doc. 2021-14301 Filed 7-2-21; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE**Foreign-Trade Zones Board**

[B-16-2021]

Foreign-Trade Zone (FTZ) 185—Culpeper, Virginia, Authorization of Production Activity, Merck & Co., Inc. (Pharmaceutical Products), Elkton, Virginia

On March 2, 2021, Merck & Co., Inc., submitted a notification of proposed production activity to the FTZ Board for its facility within Subzone 185C, in Elkton Virginia.

The notification was processed in accordance with the regulations of the FTZ Board (15 CFR part 400), including notice in the **Federal Register** inviting public comment (86 FR 13524, March 9, 2021). On June 30, 2021, the applicant was notified of the FTZ Board's decision that no further review of the activity is warranted at this time. The production activity described in the notification was authorized, subject to the FTZ Act and the FTZ Board's regulations, including Section 400.14.

Dated: June 30, 2021.

Andrew McGilvray,
Executive Secretary.

[FR Doc. 2021-14299 Filed 7-2-21; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE**International Trade Administration****Notice of Opportunity To Request Administrative Review; Correction**

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

ACTION: Notice; correction.

SUMMARY: The Department of Commerce (Commerce) published a notice of opportunity to request administrative reviews of orders, findings, or suspended investigations with anniversary dates in March 2021 in the **Federal Register** of March 1, 2021. Commerce inadvertently omitted the antidumping duty order on Chloropicrin from the People's Republic of China, and the period of review for that order of 3/1/2020-9/21/2020 from that notice. We are including the missing information in this correction notice.

FOR FURTHER INFORMATION CONTACT:

Brenda E. Brown, Office of AD/CVD Operations, Customs Liaison Unit, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, telephone: (202) 482-4735.

SUPPLEMENTARY INFORMATION:**Correction**

In the **Federal Register** of March 1, 2021, in FR Doc. 2021-04133 on pages 11922-11923,¹ the table should have included the antidumping duty order on Chloropicrin from the People's Republic of China (A-570-002) and the period of review for that order of 3/1/2020-9/21/2020. Therefore, we are hereby notifying interested parties that not later than 30 days after the date of publication of this correction notice, they may request an administrative review of the antidumping duty order on Chloropicrin from the People's Republic of China for the period 3/1/2020-9/21/2020.

¹ See *Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review*, 86 FR 11921 (March 1, 2021).

Dated: June 29, 2021.

James Maeder,
Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2021-14289 Filed 7-2-21; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE**International Trade Administration****Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Domestic and International Client Export Services and Customized Forms Renewal**

AGENCY: International Trade Administration, U.S. Commercial Service, Commerce.

ACTION: Notice of information collection, request for comment.

SUMMARY: The Department of Commerce, in accordance with the Paperwork Reduction Act of 1995 (PRA), 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 preceding submission of the collection to OMB.

DATES: To ensure consideration, comments regarding this proposed information collection must be received on or before September 7, 2021.

ADDRESSES: Interested persons are invited to submit written comments by mail to John Seo, Senior Economist, International Trade Administration, or by email to john.seo@trade.gov or PRAComments@doc.gov. Please reference OMB Control Number 0625-0143 in the subject line of your comments. Do not submit Confidential Business Information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or specific questions related to collection activities should be directed to John Seo, Senior Economist, International Trade Administration, 1401 Constitution Ave. NW, Washington, DC 20230, (202) 482-7497 or john.seo@trade.gov.

SUPPLEMENTARY INFORMATION:**I. Abstract**

The International Trade Administration's (ITA) Global Markets/ U.S. Commercial Service (CS) is

mandated by Congress to broaden and deepen the U.S. exporter base. The CS accomplishes this by providing counseling, programs and services to help U.S. organizations export and conduct business in overseas markets. This information collection package enables the CS to provide appropriate export services to U.S. exporters and international buyers. CS offers a variety of services to enable clients to begin exporting/importing or to expand existing exporting/importing efforts. Clients may learn about our services from business related entities such as the National Association of Manufacturers, Federal Express, State Economic Development offices, the internet or word of mouth. The CS provides a standard set of services to assist clients with identifying potential overseas partners, establishing meeting programs with appropriate overseas business contacts and providing due diligence reports on potential overseas business partners. The CS also provides other export-related services considered to be of a “customized nature” because they do not fit into the standard set of CS export services, but are driven by unique business needs of individual clients.

The dissemination of international market information and potential business opportunities for U.S. exporters are critical components of the Commercial Service’s export assistance programs and services. U.S. companies conveniently access and indicate their interest in these services by completing the appropriate forms via ITA and CS U.S. Export Assistance Center websites.

The CS works closely with clients to educate them about the exporting/importing process and to help prepare them for exporting/importing. When a client is ready to begin the exporting/importing process our field staff provide counseling to assist in the development of an exporting strategy. We provide fee-based, export-related services designed to help client export/import. The type of export-related service that is proposed to a client depends upon a client’s business goals and where they are in the export/import process. Some clients are at the beginning of the export process and require assistance with identifying potential distributors, whereas other clients may be ready to sign a contract with a potential distributor and require due diligence assistance. Before the CS can provide export-related services to clients, such as assistance with identifying potential partners or providing due diligence, specific information is required to determine the client’s business objectives and needs. For example, before we can provide a

service to identify potential business partners we need to know whether the client would like a potential partner to have specific technical qualifications, coverage in a specific market, English or foreign language ability or warehousing requirements. This information collection is designed to elicit such data so that appropriate services can be proposed and conducted to most effectively meet the client’s exporting goals. Without these forms the CS is unable to provide services when requested by clients.

The forms ask U.S. exporters standard questions about their company details, export experience, information about the products or services they wish to export and exporting goals. A few questions are tailored to a specific program type and will vary slightly with each program. CS staff use this information to gain an understanding of client’s needs and objectives so that they can provide appropriate and effective export assistance tailored to an exporter’s requirements.

II. Method of Collection

CS is seeking approval for the following data collection methods to provide flexibility for how clients will provide information about their company details, export experience, information about the products or services they wish to export and exporting goals. Clients will be asked to provide their information on our website (*export.gov*), web-based survey or form links, or paper-based forms.

III. Data

OMB Control Number: 0625–0143.

Form Number(s): ITA–4096P.

Type of Review: Extension of a current information collection.

Affected Public: Business or other for-profit organizations; Not-for-profit institutions; State, Local, or Tribal government; and Federal government.

Estimated Number of Respondents: 200,000.

Estimated Time per Response: 10 minutes.

Estimated Total Annual Burden Hours: 33,333 hours.

Respondent’s Obligation: Voluntary.

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. 2021–14288 Filed 7–2–21; 8:45 am]

BILLING CODE 3510–FP–P

DEPARTMENT OF COMMERCE

International Trade Administration

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Surveys for User Satisfaction, Impact and Needs

AGENCY: U.S. Commercial Service, International Trade Administration, Commerce.

ACTION: Notice of Information Collection, request for comment.

SUMMARY: The Department of Commerce, in accordance with the Paperwork Reduction Act of 1995 (PRA), 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 preceding submission of the collection to OMB.

DATES: To ensure consideration, comments regarding this proposed information collection must be received on or before September 7, 2021.

ADDRESSES: Interested persons are invited to submit written comments by

mail to John Seo, Senior Economist, International Trade Administration, 1401 Constitution Ave. NW, Washington, DC 20230, or by email to john.seo@trade.gov or PRAComments@doc.gov. Please reference OMB Control Number 0625–0275 in the subject line of your comments. Do not submit Confidential Business Information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT:

Requests for additional information or copies of the information collection instrument and instructions should be directed to John Seo (john.seo@trade.gov).

SUPPLEMENTARY INFORMATION:

I. Abstract

The International Trade Administration provides a multitude of international trade related programs to help U.S. businesses. These programs include information products, services, and trade events. To accomplish its mission effectively, ITA needs ongoing feedback on its programs. This information collection item allows ITA to solicit clients' opinions about the use of ITA products, services, and trade events. To promote optimal use and provide focused and effective improvements to ITA programs, we are requesting approval for this clearance package; including: Use of Comment Cards (*i.e.*, transactional-based surveys) to collect feedback immediately after ITA assistance is provided to clients; use of annual surveys (*i.e.*, relationship-based surveys) to gauge overall satisfaction, impact and needs for clients with ITA assistance provided over a period time; use of multiple data collection methods (*i.e.*, web-enabled surveys sent via email, telephone interviews, automated telephone surveys, and in-person surveys via mobile devices/laptops/tablets at trade events/shows) to enable clients to conveniently respond to requests for feedback; and a forecast of burden hours. Without this information, ITA is unable to systematically determine the actual and relative levels of performance for its programs and products/services and to provide clear, actionable insights for managerial intervention. This information will be used for program evaluation and improvement, strategic planning, allocation of resources and stakeholder reporting.

II. Method of Collection

The International Trade Administration is seeking approval for the following data collection methods to provide flexibility in conducting

customer satisfaction surveys and to reduce the burden on respondents: (1) An email message delivering a hot link to a web enabled survey with an email reminder sent if the client does not respond to the survey within two weeks; (2) a telephone survey/interview; and (3) a web-enabled survey conducted in-person at trade shows/events via a laptop, tablet or mobile phone so participants can immediately respond without having to provide their email address.

III. Data

OMB Control Number: 0625–0275.

Form Number(s): N/A.

Type of Review: Extension of a current information collection.

Affected Public: Business or other for-profit organizations; Not-for-profit institutions; State, Local, or Tribal government; and Federal government.

Estimated Number of Respondents: 50,000.

Estimated Time per Response: 30 minutes.

Estimated Total Annual Burden Hours: 25,000 hours.

Estimated Total Annual Cost to Public: \$754,651.

Respondent's Obligation: Voluntary.

Legal Authority: Public Law 15 U.S.C. *et seq.* and 15 U.S.C. 171 *et seq.*

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. 2021–14298 Filed 7–2–21; 8:45 am]

BILLING CODE 3510–FP–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–821–830]

Granular Polytetrafluoroethylene Resin From the Russian Federation: Preliminary Affirmative Countervailing Duty Determination and Alignment of Final Determination With Final Antidumping Duty Determination

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) preliminarily determines that countervailable subsidies are being provided to producers and exporters of granular polytetrafluoroethylene (PTFE) resin from the Russian Federation (Russia). The period of investigation is January 1, 2020, through December 31, 2020. Interested parties are invited to comment on this preliminary determination.

DATES: Applicable July 6, 2021.

FOR FURTHER INFORMATION CONTACT: George Ayache or Joseph Dowling, 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) 482–2623 or (202) 482–1646, respectively.

SUPPLEMENTARY INFORMATION:

Background

This preliminary determination is made in accordance with section 703(b) of the Tariff Act of 1930, as amended (the Act). Commerce published the notice of initiation of this investigation on February 23, 2021.¹ On March 19, 2021, Commerce postponed the preliminary determination of this investigation and the revised deadline is now June 28, 2021.² For a complete description of the events that followed

¹ See *Granular Polytetrafluoroethylene Resin from India and the Russian Federation: Initiation of Countervailing Duty Investigations*, 86 FR 10931 (February 23, 2021) (*Initiation Notice*).

² See *Granular Polytetrafluoroethylene Resin from India and the Russian Federation: Postponement of Preliminary Determinations in the Countervailing Duty Investigations*, 86 FR 14871 (March 19, 2021).

the initiation of this investigation, *see* the Preliminary Decision Memorandum.³ A list of topics discussed in the Preliminary Decision Memorandum is included as Appendix II to this notice. The Preliminary 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 Preliminary Decision Memorandum can be accessed directly at <http://enforcement.trade.gov/frn/>.

Scope of the Investigation

The product covered by this investigation is granular PTFE resin from Russia. For a complete description of the scope of this investigation, *see* Appendix I.

Scope Comments

In accordance with the preamble to Commerce's regulations,⁴ the *Initiation Notice* set aside a period of time for parties to raise issues regarding product coverage (*i.e.*, scope).⁵ An interested party commented on the scope of the investigation as it appeared in the *Initiation Notice*. For a summary of these comments and the rebuttal response submitted to the record for this preliminary determination, and accompanying discussion and analysis of the comments timely received, *see* the Preliminary Scope Decision Memorandum.⁶ Commerce is not preliminarily modifying the scope language as it appeared in the *Initiation Notice*. *See* scope in Appendix I.

The Preliminary Scope Decision Memorandum establishes the deadline to submit scope case briefs.⁷ There will be no further opportunity to comment on scope-related issues.

Methodology

Commerce is conducting this investigation in accordance with section 701 of the Act. For each of the subsidy programs found countervailable, Commerce preliminarily determines

that there is a subsidy, *i.e.*, a financial contribution by an "authority" that gives rise to a benefit to the recipient, and that the subsidy is specific.⁸

Alignment

In accordance with section 705(a)(1) of the Act and 19 CFR 351.210(b)(4), Commerce is aligning the final determination in this countervailing duty (CVD) investigation with the final determination in the companion antidumping duty (AD) investigation of granular PTFE resin from Russia based on a request made by the petitioner.⁹ Consequently, the final CVD determination will be issued on the same date as the final AD determination, which is currently scheduled to be issued no later than November 8, 2021, unless postponed.

All-Others Rate

Sections 703(d) and 705(c)(5)(A) of the Act provide that in the preliminary determination, Commerce shall determine an estimated all-others rate for companies not individually examined. This rate shall be an amount equal to the weighted average of the estimated subsidy rates established for those companies individually examined, excluding any rates that are zero, *de minimis*, or based entirely under section 776 of the Act.

Commerce calculated an individual estimated countervailable subsidy rate for Joint Stock Company "HaloPolymer" (HaloPolymer), the only individually examined exporter/producer in this investigation. Because the only individually calculated rate is not zero, *de minimis*, or based entirely on facts otherwise available, the rate calculated for HaloPolymer is the rate assigned to all other producers and exporters not individually examined in this investigation, pursuant to section 705(c)(5)(A)(i) of the Act.

Preliminary Determination

Commerce preliminarily determines that the following estimated countervailable subsidy rates exist:

Company	Subsidy rate (percent)
Joint Stock Company "HaloPolymer" ¹⁰	2.36
All Others	2.36

Suspension of Liquidation

In accordance with section 703(d)(1)(B) and (d)(2) of the Act, Commerce will direct U.S. Customs and Border Protection (CBP) to suspend liquidation of entries of subject merchandise as described in the scope of the investigation section entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**. Further, pursuant to 19 CFR 351.205(d), Commerce will instruct CBP to require a cash deposit equal to the rates indicated above.

Disclosure

Commerce intends to disclose to interested parties its calculations and analysis performed in this preliminary determination within five days of the date of its public announcement, or if there is no public announcement, within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

Verification

As provided in section 782(i)(1) of the Act, Commerce intends to verify the information relied upon in making its final determination. Normally, Commerce verifies information using standard procedures, including an on-site examination of original accounting, financial, and sales documentation. However, due to current travel restrictions in response to the global COVID-19 pandemic, Commerce is unable to conduct on-site verification in this investigation. Accordingly, we intend to verify the information relied upon in making the final determination through alternative means in lieu of an on-site verification.

Public Comment

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance. Interested parties will be notified of the timeline for the submission of case briefs and written comments on non-scope issues at a later date. Rebuttal briefs, limited to issues raised in these case briefs, may be submitted no later than seven days after the deadline date for case briefs.¹¹ Note

³ *See* Memorandum, "Decision Memorandum for the Affirmative Preliminary Determination of the Countervailing Duty Investigation of Granular Polytetrafluoroethylene Resin from the Russian Federation," dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

⁴ *See Antidumping Duties; Countervailing Duties, Final Rule*, 62 FR 27296, 27323 (May 19, 1997).

⁵ *See Initiation Notice*.

⁶ *See* Memorandum, "Comments on Scope of Investigations," dated concurrently with this notice (Preliminary Scope Decision Memorandum).

⁷ *Id.*

⁸ *See* sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

⁹ *See* Petitioner's Letter, "Request for Alignment," dated April 9, 2021.

¹⁰ As discussed in the Preliminary Decision Memorandum, Commerce has found the following companies to be cross-owned with Joint Stock Company "HaloPolymer": Limited Liability Company "HaloPolymer Kirovo-Chepetsk," Joint Stock Company "HaloPolymer Perm," and URALCHEM JSC.

¹¹ *See* 19 CFR 351.309; *see also* 19 CFR 351.303 (for general filing requirements); and *Temporary*

that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information, until further notice.¹² Pursuant to 19 CFR 351.309(c)(2) and (d)(2), parties who submit case briefs or rebuttal briefs in this investigation are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce within 30 days after the date of publication of this notice. Requests should contain the party's name, address, and telephone number, the number of participants, whether any participant is a foreign national, and a list of the issues to be discussed. If a request for a hearing is made, Commerce intends to hold the hearing at a time and date to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

International Trade Commission Notification

In accordance with section 703(f) of the Act, Commerce will notify the International Trade Commission (ITC) of its determination. If Commerce's final determination is affirmative, the ITC will make its final injury determination before the later of 120 days after the date of this preliminary determination or 45 days after the final determination.

Notification to Interested Parties

This determination is issued and published pursuant to sections 703(f) and 777(i) of the Act, and 19 CFR 351.205(c).

Dated: June 28, 2021.

Christian Marsh,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix I

Scope of the Investigation

The product covered by this investigation is granular polytetrafluoroethylene (PTFE) resin. Granular PTFE resin is covered by the scope of this investigation whether filled or unfilled, whether or not modified, and whether or not containing co-polymer, additives, pigments, or other materials. Also

Rule Modifying AD/CVD Service Requirements Due to COVID-19, 85 FR 17006, 17007 (March 26, 2020).

¹² See *Temporary Rule Modifying AD/CVD Service Requirements Due to COVID-19: Extension of Effective Period*, 85 FR 41363 (July 10, 2020).

included is PTFE wet raw polymer. The chemical formula for granular PTFE resin is C₂F₄, and the Chemical Abstracts Service (CAS) Registry number is 9002-84-0.

Subject merchandise includes material matching the above description that has been finished, packaged, or otherwise processed in a third country, including by filling, modifying, compounding, packaging with another product, or performing any other finishing, packaging, or processing that would not otherwise remove the merchandise from the scope of the investigation if performed in the country of manufacture of the granular PTFE resin.

The product covered by this investigation does not include dispersion or coagulated dispersion (also known as fine powder) PTFE.

PTFE further processed into micropowder, having particle size typically ranging from 1 to 25 microns, and a melt-flow rate no less than 0.1 gram/10 minutes, is excluded from the scope of this investigation.

Granular PTFE resin is classified in the Harmonized Tariff Schedule of the United States (HTSUS) under subheading 3904.61.0010. Subject merchandise may also be classified under HTSUS subheading 3904.69.5000. Although the HTSUS subheadings and CAS Number are provided for convenience and customs purposes, the written description of the scope is dispositive.

Appendix II

List of Topics Discussed in the Preliminary Decision Memorandum

- I. Summary
- II. Background
- III. Injury Test
- IV. Subsidies Valuation
- V. Benchmarks and Interest Rates
- VI. Analysis of Programs
- VII. Recommendation

[FR Doc. 2021-14328 Filed 7-2-21; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-560-822, A-557-813, A-570-886, A-583-843, A-549-821, A-552-806]

Polyethylene Retail Carrier Bags From Indonesia, Malaysia, the People's Republic of China, Taiwan, Thailand, and the Socialist Republic of Vietnam: Final Results of the Expedited Sunset Reviews of the Antidumping Duty Orders

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: As a result of these expedited sunset reviews, the Department of Commerce (Commerce) finds that revocation of the antidumping duty (AD) orders on polyethylene retail carrier bags from Indonesia, Malaysia, the People's Republic of China, Taiwan,

Thailand, and the Socialist Republic of Vietnam would be likely to lead to continuation or recurrence of dumping as indicated in the "Final Results of Sunset Review" section of this notice.

DATES: Applicable July 6, 2021.

FOR FURTHER INFORMATION CONTACT:

Allison Hollander or Mino Hatten, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-2805 or (202) 482-1690, respectively.

SUPPLEMENTARY INFORMATION:

Background

On March 31, 2021, Commerce published the notice of initiation of the sunset reviews of the AD orders on polyethylene retail carrier bags (PRCBs) from Indonesia, Malaysia, the People's Republic of China (China), Taiwan, Thailand, and the Socialist Republic of Vietnam (Vietnam)¹ pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act).² In accordance with 19 CFR 351.218(d)(1)(i) and (ii), Commerce received notices of intent to participate in these sunset reviews from the Polyethylene Retail Carrier Bag Committee (the domestic interested party) within 15 days after the date of publication of the *Initiation Notice*.³

¹ See *Antidumping Duty Orders: Polyethylene Retail Carrier Bags from Indonesia, Taiwan, and the Socialist Republic of Vietnam*, 75 FR 23667 (May 4, 2010); see also *Antidumping Duty Order: Polyethylene Retail Carrier Bags from Malaysia*, 69 FR 48203 (August 9, 2004); *Antidumping Duty Order: Polyethylene Retail Carrier Bags from The People's Republic of China*, 69 FR 48201 (August 9, 2004); *Antidumping Duty Order: Polyethylene Retail Carrier Bags from Thailand*, 69 FR 48204 (August 9, 2004) (collectively, *AD Orders*).

² See *Initiation Notice of Five-Year (Sunset) Reviews*, 86 FR 16701 (March 31, 2021) (*Initiation Notice*).

³ See Polyethylene Retail Carrier Bag Committee's Letters, "Five-Year ("Sunset") Review of Antidumping Duty Order on Polyethylene Retail Carrier Bags from Indonesia: Domestic Industry Notice of Intent to Participate in Sunset Review," dated April 9, 2021; "Five-Year ("Sunset") Review of Antidumping Duty Order on Polyethylene Retail Carrier Bags from Malaysia: Domestic Industry Notice of Intent to Participate in Sunset Review," dated April 9, 2021; "Five-Year ("Sunset") Review Of Antidumping Duty Order On Polyethylene Retail Carrier Bags from the People's Republic of China: Domestic Industry Notice Of Intent to Participate in Sunset Review," dated April 9, 2021; "Five-Year ("Sunset") Review Of Antidumping Duty Order On Polyethylene Retail Carrier Bags from Taiwan: Domestic Industry Notice of Intent to Participate in Sunset Review," dated April 9, 2021; "Five-Year ("Sunset") Review of Antidumping Duty Order on Polyethylene Retail Carrier Bags from Thailand: Domestic Industry Notice of Intent to Participate in Sunset Review," dated April 9, 2021; "Five-Year ("Sunset") Review Of Antidumping Duty Order on Polyethylene Retail Carrier Bags from the Socialist Republic of Vietnam: Domestic Industry Notice of

The domestic interested party claimed interested party status under sections 771(9)(C) and (E) of the Act.

Commerce received adequate substantive responses to the *Initiation Notice* from the domestic interested party within the 30-day period specified in 19 CFR 351.218(d)(3)(i).⁴ Commerce received no substantive responses from any respondent interested parties. In accordance with section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2), Commerce conducted expedited, *i.e.*, 120-day, sunset reviews of the *AD Orders*.

Scope of the Orders

The merchandise subject to the *AD Orders* is PRCBs which are currently classified under subheading 3923.21.0085 of the Harmonized Tariff Schedule of the United States (HTSUS). The HTSUS number is provided for convenience and customs purposes. A full description of the scope of the *AD Orders* is contained in the Issues and Decision Memorandum.⁵ The written description is dispositive.

Analysis of Comments Received

All issues raised in this review are addressed in the Issues and Decision Memorandum, including the likelihood of continuation or recurrence of dumping in the event of revocation and the magnitude of dumping margins likely to prevail if the order was revoked. Parties can find a complete

Intent to Participate in Sunset Review,” dated April 9, 2021. The Polyethylene Retail Carrier Bag Committee is comprised of Hilex Poly Co., LLC and Superbag Corporation.

⁴ See Polyethylene Retail Carrier Bag Committee's Letters, “Five-Year (‘Sunset’) Review Of Antidumping Duty Order on Polyethylene Retail Carrier Bags from Indonesia: Domestic Industry's Substantive Response,” dated May 1, 2015; “Second Five-Year (‘Sunset’) Review Of Antidumping Duty Order on Polyethylene Retail Carrier Bags from Malaysia: Domestic Industry's Substantive Response,” dated May 1, 2015; “Second Five-Year (‘Sunset’) Review of Antidumping Duty Order on Polyethylene Retail Carrier Bags from the People's Republic of China: Domestic Industry's Substantive Response,” dated May 1, 2015; “Five-Year (‘Sunset’) Review of Antidumping Duty Order on Polyethylene Retail Carrier Bags from Taiwan: Domestic Industry's Substantive Response,” dated May 1, 2015; “Second Five-Year (‘Sunset’) Review of Antidumping Duty Order on Polyethylene Retail Carrier Bags from Thailand: Domestic Industry's Substantive Response,” dated May 1, 2015; and “Five-Year (‘Sunset’) Review of Antidumping Duty Order on Polyethylene Retail Carrier Bags from the Socialist Republic of Vietnam: Domestic Industry's Substantive Response,” dated May 1, 2015.

⁵ See Memorandum, “Issues and Decision Memorandum for the Expedited Sunset Reviews of the Antidumping Duty Orders on Polyethylene Retail Carrier Bags from Indonesia, Malaysia, the People's Republic of China, Taiwan, Thailand, and the Socialist Republic of Vietnam,” dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

discussion of all issues raised in this review and the corresponding recommendations in the Issues and Decision Memorandum, which 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 found at <http://enforcement.trade.gov/frn/index.html>.

Final Results of Sunset Review

Pursuant to sections 751(c) and 752(c) of the Act, Commerce determines that revocation of the *AD Orders* would be likely to lead to continuation or recurrence of dumping and the magnitude of the margins of dumping likely to prevail would be weighted-average margins up to the following percentages:

Country	Weighted-average margin (percent)
Indonesia	85.17
Malaysia	101.74
China	77.57
Taiwan	95.81
Thailand	122.88
Vietnam	76.11

Notification Regarding Administrative Protective Orders

This notice serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a). Timely written notification of the 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

Commerce is issuing and publishing these final results and notice in accordance with sections 751(c), 752(c), and 777(i)(1) of the Act and 19 CFR 351.221(c)(5)(ii).

Dated: June 25, 2021.

James Maeder,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

Appendix—List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the Orders

- IV. History of the Orders
- V. Legal Framework
- VI. Discussion of the Issues
- VII. Final Results of Expedited Sunset Reviews
- VIII. Recommendation

[FR Doc. 2021–14253 Filed 7–2–21; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–533–900]

Granular Polytetrafluoroethylene Resin From India: Preliminary Affirmative Countervailing Duty Determination, Preliminary Affirmative Critical Circumstances Determination, and Alignment of Final Determination With Final Antidumping Duty Determination

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) preliminarily determines that countervailable subsidies are being provided to producers and exporters of granular polytetrafluoroethylene (PTFE) resin from India. The period of investigation is April 1, 2019, through March 31, 2020. Interested parties are invited to comment on this preliminary determination.

DATES: Applicable July 6, 2021.

FOR FURTHER INFORMATION CONTACT: Janaé Martin or Joshua Simonidis, 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) 482–0238 or (202) 482–0608, respectively.

SUPPLEMENTARY INFORMATION:

Background

This preliminary determination is made in accordance with section 703(b) of the Tariff Act of 1930, as amended (the Act). Commerce published the notice of initiation of this investigation on February 23, 2021.¹ On March 19, 2021, Commerce postponed the preliminary determination of this investigation and the revised deadline is now June 28, 2021.² For a complete description of the events that followed the initiation of this investigation, *see*

¹ See *Granular Polytetrafluoroethylene Resin from India and the Russian Federation: Initiation of Countervailing Duty Investigations*, 86 FR 10931 (February 23, 2021) (*Initiation Notice*).

² See *Granular Polytetrafluoroethylene Resin from India and the Russian Federation: Postponement of Preliminary Determinations in the Countervailing Duty Investigations*, 86 FR 14871 (March 19, 2021).

the Preliminary Decision Memorandum.³ A list of topics discussed in the Preliminary Decision Memorandum is included as Appendix II to this notice. The Preliminary 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 Preliminary Decision Memorandum can be accessed directly at <http://enforcement.trade.gov/frn/>.

Scope of the Investigation

The product covered by this investigation is granular PTFE resin from India. For a complete description of the scope of this investigation, see Appendix I.

Scope Comments

In accordance with the preamble to Commerce's regulations,⁴ the *Initiation Notice* set aside a period of time for parties to raise issues regarding product coverage (*i.e.*, scope).⁵ An interested party commented on the scope of the investigation as it appeared in the *Initiation Notice*. For a summary of these comments and the rebuttal response submitted to the record for this preliminary determination, and accompanying discussion and analysis of the comments timely received, see the Preliminary Scope Decision Memorandum.⁶ Commerce is not preliminarily modifying the scope language as it appeared in the *Initiation Notice*. See scope in Appendix I.

The Preliminary Scope Decision Memorandum establishes the deadline to submit scope case briefs.⁷ There will be no further opportunity to comment on scope-related issues.

Methodology

Commerce is conducting this investigation in accordance with section 701 of the Act. For each of the subsidy programs found countervailable, Commerce preliminarily determines that there is a subsidy, *i.e.*, a financial contribution by an "authority" that

gives rise to a benefit to the recipient, and that the subsidy is specific.⁸

Commerce notes that in making these preliminary findings, it relied in part on facts available, and because it finds that the Government of India did not act to the best of its ability to respond to Commerce's requests for information, it drew an adverse inference where appropriate in selecting from among the facts otherwise available.⁹ For further information, see "Use of Facts Otherwise Available and Adverse Inferences" in the Preliminary Decision Memorandum.

Preliminary Affirmative Determination of Critical Circumstances

In accordance with section 703(e)(1) of the Act, Commerce preliminarily determines that critical circumstances exist with respect to imports of granular PTFE resin from India for Gujarat Fluorochemicals Limited (GFCL) and all other exporters or producers not individually examined. For a full description of the methodology and results of Commerce's analysis, see the Preliminary Decision Memorandum.

Alignment

In accordance with section 705(a)(1) of the Act and 19 CFR 351.210(b)(4), Commerce is aligning the final determination in this countervailing duty (CVD) investigation with the final determination in the companion antidumping duty (AD) investigation of granular PTFE resin from India based on a request made by the petitioner.¹⁰ Consequently, the final CVD determination will be issued on the same date as the final AD determination, which is currently scheduled to be issued no later than November 8, 2021, unless postponed.

All-Others Rate

Sections 703(d) and 705(c)(5)(A) of the Act provide that in the preliminary determination, Commerce shall determine an estimated all-others rate for companies not individually examined. This rate shall be an amount equal to the weighted average of the estimated subsidy rates established for those companies individually examined, excluding any zero and *de minimis* rates and any rates based entirely under section 776 of the Act.

Commerce calculated an individual estimated countervailable subsidy rate

for GFCL, the only individually examined exporter/producer in this investigation. Because the only individually calculated rate is not zero, *de minimis*, or based entirely on facts otherwise available, the rate calculated for GFCL is the rate assigned to all other producers and exporters not individually examined in this investigation, pursuant to section 705(c)(5)(A)(i) of the Act.

Preliminary Determination

Commerce preliminarily determines that the following estimated countervailable subsidy rates exist:

Company	Subsidy rate (percent)
Gujarat Fluorochemicals Limited ¹¹	4.75
All-Others	4.75

Suspension of Liquidation

In accordance with section 703(d)(1)(B) and (d)(2) of the Act, Commerce will direct U.S. Customs and Border Protection (CBP) to suspend liquidation of entries of subject merchandise as described in the scope of the investigation section entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**. Further, pursuant to 19 CFR 351.205(d), Commerce will instruct CBP to require a cash deposit equal to the rates indicated above.

Section 703(e)(2) of the Act provides that, given an affirmative determination of critical circumstances, any suspension of liquidation shall apply to unliquidated entries of merchandise entered, or withdrawn from warehouse, for consumption on or after the later of (a) the date which is 90 days before the date on which the suspension of liquidation was first ordered, or (b) the date on which notice of initiation of the investigation was published. Commerce preliminarily finds that critical circumstances exist for imports of subject merchandise from India. In accordance with section 703(e)(2)(A) of the Act, the suspension of liquidation shall apply to unliquidated entries of merchandise from all exporters and producers of subject merchandise from India that were entered, or withdrawn from warehouse, for consumption on or after the date which is 90 days before the publication of this notice.

³ See Memorandum, "Decision Memorandum for the Preliminary Determination of the Countervailing Duty Investigation of Granular Polytetrafluoroethylene Resin from India," dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

⁴ See *Antidumping Duties; Countervailing Duties, Final Rule*, 62 FR 27296, 27323 (May 19, 1997).

⁵ See *Initiation Notice*.

⁶ See Memorandum, "Comments on Scope of Investigations," dated concurrently with this notice (Preliminary Scope Decision Memorandum).

⁷ *Id.*

⁸ See sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

⁹ See sections 776(a) and (b) of the Act.

¹⁰ See Petitioner's Letter, "Request for Alignment," dated April 9, 2021.

¹¹ As discussed in the Preliminary Decision Memorandum, Commerce has found the following companies to be cross-owned with Gujarat Fluorochemicals Limited: Inox Leasing Finance Limited and Inox Wind Limited.

Disclosure

Commerce intends to disclose to interested parties its calculations and analysis performed in this preliminary determination within five days of the date of its public announcement, or if there is no public announcement, within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

Verification

As provided in section 782(i)(1) of the Act, Commerce intends to verify the information relied upon in making its final determination. Normally, Commerce verifies information using standard procedures, including an on-site examination of original accounting, financial, and sales documentation. However, due to current travel restrictions in response to the global COVID-19 pandemic, Commerce is unable to conduct on-site verification in this investigation. Accordingly, we intend to verify the information relied upon in making the final determination through alternative means in lieu of an on-site verification.

Public Comment

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance. Interested parties will be notified of the timeline for the submission of case briefs and written comments on non-scope issues at a later date. Rebuttal briefs, limited to issues raised in these case briefs, may be submitted no later than seven days after the deadline date for case briefs.¹² Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information, until further notice.¹³ Pursuant to 19 CFR 351.309(c)(2) and (d)(2), parties who submit case briefs or rebuttal briefs in this investigation are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce within 30 days after the date

of publication of this notice. Requests should contain the party's name, address, and telephone number, the number of participants, whether any participant is a foreign national, and a list of the issues to be discussed. If a request for a hearing is made, Commerce intends to hold the hearing at a time and date to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

International Trade Commission Notification

In accordance with section 703(f) of the Act, Commerce will notify the International Trade Commission (ITC) of its determination. If the final determination is affirmative, the ITC will make its final injury determination before the later of 120 days after the date of this preliminary determination or 45 days after the final determination.

Notification to Interested Parties

This determination is issued and published pursuant to sections 703(f) and 777(i) of the Act and 19 CFR 351.205(c).

Dated: June 28, 2021.

Christian Marsh,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix I

Scope of the Investigation

The product covered by this investigation is granular polytetrafluoroethylene (PTFE) resin. Granular PTFE resin is covered by the scope of this investigation whether filled or unfilled, whether or not modified, and whether or not containing co-polymer, additives, pigments, or other materials. Also included is PTFE wet raw polymer. The chemical formula for granular PTFE resin is C₂F₄, and the Chemical Abstracts Service (CAS) Registry number is 9002-84-0.

Subject merchandise includes material matching the above description that has been finished, packaged, or otherwise processed in a third country, including by filling, modifying, compounding, packaging with another product, or performing any other finishing, packaging, or processing that would not otherwise remove the merchandise from the scope of the investigation if performed in the country of manufacture of the granular PTFE resin.

The product covered by this investigation does not include dispersion or coagulated dispersion (also known as fine powder) PTFE.

PTFE further processed into micropowder, having particle size typically ranging from 1 to 25 microns, and a melt-flow rate no less than 0.1 gram/10 minutes, is excluded from the scope of this investigation.

Granular PTFE resin is classified in the Harmonized Tariff Schedule of the United States (HTSUS) under subheading 3904.61.0010. Subject merchandise may also

be classified under HTSUS subheading 3904.69.5000. Although the HTSUS subheadings and CAS Number are provided for convenience and customs purposes, the written description of the scope is dispositive.

Appendix II

List of Topics Discussed in the Preliminary Decision Memorandum

- I. Summary
- II. Background
- III. Injury Test
- IV. Preliminary Determination of Critical Circumstances
- V. Diversification of India's Economy
- VI. Subsidies Valuation
- VII. Benchmarks and Interest Rates
- VIII. Use of Facts Otherwise Available and Adverse Inferences
- IX. Analysis of Programs
- X. Recommendation

[FR Doc. 2021-14318 Filed 7-2-21; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

Initiation of Antidumping and Countervailing Duty Administrative Reviews

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) has received requests to conduct administrative reviews of various antidumping duty (AD) and countervailing duty (CVD) orders and findings with May anniversary dates. In accordance with Commerce's regulations, we are initiating those administrative reviews.

DATES: Applicable July 6, 2021.

FOR FURTHER INFORMATION CONTACT: Brenda E. Brown, AD/CVD Operations, Customs Liaison Unit, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, telephone: (202) 482-4735.

SUPPLEMENTARY INFORMATION:

Background

Commerce has received timely requests, in accordance with 19 CFR 351.213(b), for administrative reviews of various AD and CVD orders and findings with May anniversary dates.

All deadlines for the submission of various types of information, certifications, or comments or actions by Commerce discussed below refer to the number of calendar days from the applicable starting time.

¹² See 19 CFR 351.309; see also 19 CFR 351.303 (for general filing requirements); and *Temporary Rule Modifying AD/CVD Service Requirements Due to COVID-19*, 85 FR 17006, 17007 (March 26, 2020).

¹³ See *Temporary Rule Modifying AD/CVD Service Requirements Due to COVID-19; Extension of Effective Period*, 85 FR 41363 (July 10, 2020).

Notice of No Sales

If a producer or exporter named in this notice of initiation had no exports, sales, or entries during the period of review (POR), it must notify Commerce within 30 days of publication of this notice in the **Federal Register**. All submissions must be filed electronically at <https://access.trade.gov>, in accordance with 19 CFR 351.303.¹ Such submissions are subject to verification, in accordance with section 782(i) of the Tariff Act of 1930, as amended (the Act). Further, in accordance with 19 CFR 351.303(f)(1)(i), a copy must be served on every party on Commerce's service list.

Respondent Selection

In the event Commerce limits the number of respondents for individual examination for administrative reviews initiated pursuant to requests made for the orders identified below, Commerce intends to select respondents based on U.S. Customs and Border Protection (CBP) data for U.S. imports during the POR. We intend to place the CBP data on the record within five days of publication of the initiation notice and to make our decision regarding respondent selection within 35 days of publication of the initiation **Federal Register** notice. Comments regarding the CBP data and respondent selection should be submitted within seven days after the placement of the CBP data on the record of this review. Parties wishing to submit rebuttal comments should submit those comments within five days after the deadline for the initial comments.

In the event Commerce decides it is necessary to limit individual examination of respondents and conduct respondent selection under section 777A(c)(2) of the Act, the following guidelines regarding collapsing of companies for purposes of respondent selection will apply. In general, Commerce has found that determinations concerning whether particular companies should be "collapsed" (e.g., treated as a single entity for purposes of calculating antidumping duty rates) require a substantial amount of detailed information and analysis, which often require follow-up questions and analysis. Accordingly, Commerce will not conduct collapsing analyses at the respondent selection phase of this review and will not collapse companies at the respondent selection phase unless

there has been a determination to collapse certain companies in a previous segment of this AD proceeding (e.g., investigation, administrative review, new shipper review, or changed circumstances review). For any company subject to this review, if Commerce determined, or continued to treat, that company as collapsed with others, Commerce will assume that such companies continue to operate in the same manner and will collapse them for respondent selection purposes. Otherwise, Commerce will not collapse companies for purposes of respondent selection. Parties are requested to: (a) Identify which companies subject to review previously were collapsed; and (b) provide a citation to the proceeding in which they were collapsed. Further, if companies are requested to complete the Quantity and Value (Q&V) Questionnaire for purposes of respondent selection, in general, each company must report volume and value data separately for itself. Parties should not include data for any other party, even if they believe they should be treated as a single entity with that other party. If a company was collapsed with another company or companies in the most recently completed segment of this proceeding where Commerce considered collapsing that entity, complete Q&V data for that collapsed entity must be submitted.

Respondent Selection—Aluminum Extrusions From the People's Republic of China

In the event Commerce limits the number of respondents for individual examination in the administrative review of the antidumping duty order on aluminum extrusions from the People's Republic of China (China), Commerce intends to select respondents based on volume data contained in responses to Q&V questionnaires. Further, Commerce intends to limit the number of Q&V questionnaires issued in the review based on CBP data for U.S. imports of aluminum extrusions from China. The extremely wide variety of individual types of aluminum extrusion products included in the scope of the order on aluminum extrusions would preclude meaningful results in attempting to determine the largest China exporters of subject merchandise by volume. Therefore, Commerce will limit the number of Q&V questionnaires issued based on the import values in CBP data which will serve as a proxy for imported quantities. Parties subject to the review to which Commerce does not send a Q&V questionnaire may file a response to the Q&V questionnaire by the applicable deadline if they desire to

be included in the pool of companies from which Commerce will select mandatory respondents. The Q&V questionnaire will be available on Commerce's website at <http://trade.gov/enforcement/news.asp> on the date of publication of this notice in the **Federal Register**. The responses to the Q&V questionnaire must be received by Commerce within 14 days of publication of this notice. Please be advised that due to the time constraints imposed by the statutory and regulatory deadlines for antidumping duty administrative reviews, Commerce does not intend to grant any extensions for the submission of responses to the Q&V questionnaire. Parties will be given the opportunity to comment on the CBP data used by Commerce to limit the number of Q&V questionnaires issued. We intend to release the CBP data under APO to all parties having an APO within seven days of publication of this notice in the **Federal Register**. Commerce invites comments regarding CBP data and respondent selection within five days of placement of the CBP data on the record.

Deadline for Withdrawal of Request for Administrative Review

Pursuant to 19 CFR 351.213(d)(1), a party that has requested a review may withdraw that request within 90 days of the date of publication of the notice of initiation of the requested review. The regulation provides that Commerce may extend this time if it is reasonable to do so. Determinations by Commerce to extend the 90-day deadline will be made on a case-by-case basis.

Deadline for Particular Market Situation Allegation

Section 504 of the Trade Preferences Extension Act of 2015 amended the Act by adding the concept of a particular market situation (PMS) for purposes of constructed value under section 773(e) of the Act.² Section 773(e) of the Act states that "if a particular market situation exists such that the cost of materials and fabrication or other processing of any kind does not accurately reflect the cost of production in the ordinary course of trade, the administering authority may use another calculation methodology under this subtitle or any other calculation methodology." When an interested party submits a PMS allegation pursuant to section 773(e) of the Act, Commerce will respond to such a submission consistent with 19 CFR 351.301(c)(2)(v). If Commerce finds that a PMS exists

¹ See *Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures*, 76 FR 39263 (July 6, 2011).

² See Trade Preferences Extension Act of 2015, Public Law 114–27, 129 Stat. 362 (2015).

under section 773(e) of the Act, then it will modify its dumping calculations appropriately.

Neither section 773(e) of the Act nor 19 CFR 351.301(c)(2)(v) set a deadline for the submission of PMS allegations and supporting factual information. However, in order to administer section 773(e) of the Act, Commerce must receive PMS allegations and supporting factual information with enough time to consider the submission. Thus, should an interested party wish to submit a PMS allegation and supporting new factual information pursuant to section 773(e) of the Act, it must do so no later than 20 days after submission of initial responses to section D of the questionnaire.

Separate Rates

In proceedings involving non-market economy (NME) countries, Commerce begins with a rebuttable presumption that all companies within the country are subject to government control and, thus, should be assigned a single antidumping duty deposit rate. It is Commerce’s policy to assign all exporters of merchandise subject to an administrative review in an NME country this single rate unless an exporter can demonstrate that it is sufficiently independent so as to be entitled to a separate rate.

To establish whether a firm is sufficiently independent from government control of its export activities to be entitled to a separate rate, Commerce analyzes each entity exporting the subject merchandise. In accordance with the separate rates criteria, Commerce assigns separate rates to companies in NME cases only if respondents can demonstrate the absence of both *de jure* and *de facto*

government control over export activities.

All firms listed below that wish to qualify for separate rate status in the administrative reviews involving NME countries must complete, as appropriate, either a separate rate application or certification, as described below. For these administrative reviews, in order to demonstrate separate rate eligibility, Commerce requires entities for whom a review was requested, that were assigned a separate rate in the most recent segment of this proceeding in which they participated, to certify that they continue to meet the criteria for obtaining a separate rate. The Separate Rate Certification form will be available on Commerce’s website at <https://enforcement.trade.gov/nme/nme-sep-rate.html> on the date of publication of this **Federal Register** notice. In responding to the certification, please follow the “Instructions for Filing the Certification” in the Separate Rate Certification. Separate Rate Certifications are due to Commerce no later than 30 calendar days after publication of this **Federal Register** notice. The deadline and requirement for submitting a Certification applies equally to NME-owned firms, wholly foreign-owned firms, and foreign sellers who purchase and export subject merchandise to the United States.

Entities that currently do not have a separate rate from a completed segment of the proceeding³ should timely file a Separate Rate Application to demonstrate eligibility for a separate rate in this proceeding. In addition, companies that received a separate rate in a completed segment of the proceeding that have subsequently made changes, including, but not

limited to, changes to corporate structure, acquisitions of new companies or facilities, or changes to their official company name,⁴ should timely file a Separate Rate Application to demonstrate eligibility for a separate rate in this proceeding. The Separate Rate Application will be available on Commerce’s website at <https://enforcement.trade.gov/nme/nme-sep-rate.html> on the date of publication of this **Federal Register** notice. In responding to the Separate Rate Application, refer to the instructions contained in the application. Separate Rate Applications are due to Commerce no later than 30 calendar days after publication of this **Federal Register** notice. The deadline and requirement for submitting a Separate Rate Application applies equally to NME-owned firms, wholly foreign-owned firms, and foreign sellers that purchase and export subject merchandise to the United States.

Exporters and producers must file a timely Separate Rate Application or Certification if they want to be considered for respondent selection. Furthermore, exporters and producers who submit a Separate Rate Application or Certification and subsequently are selected as mandatory respondents will no longer be eligible for separate rate status unless they respond to all parts of the questionnaire as mandatory respondents.

Initiation of Reviews

In accordance with 19 CFR 351.221(c)(1)(i), we are initiating administrative reviews of the following AD and CVD orders and findings. We intend to issue the final results of these reviews not later than May 31, 2022.

	Period to be reviewed
AD Proceedings	
BELGIUM: Certain Carbon and Alloy Steel Cut-to-Length Plate, A-423-812 A.G. der Dillinger Hütte BBC Chartering Belgium C.A. Picard GmbH Doerrenberg Edelstahl GmbH DMC Nobelclad Europe S.A. Edgen Murray EEW Steel Trading LLC Erndtebrücker Eisenwerk GmbH & Co. KG Fike Europe B.A. Industeel Belgium S.A. Industeel France S.A.S. Logiudice Forni SRL Macsteel International Nialco S.A.	5/1/20–4/30/21

³ Such entities include entities that have not participated in the proceeding, entities that were preliminarily granted a separate rate in any currently incomplete segment of the proceeding (e.g., an ongoing administrative review, new

shipper review, etc.) and entities that lost their separate rate in the most recently completed segment of the proceeding in which they participated.

⁴ Only changes to the official company name, rather than trade names, need to be addressed via a Separate Rate Application. Information regarding new trade names may be submitted via a Separate Rate Certification.

	Period to be reviewed
NLMK Clabecq S.A. NLMK Dansteel A.S. NLMK Plate Sales S.A. NLMK Sales Europe S.A. NLMK Manage Steel Center S.A. NLMK La Louviere S.A. NLMK Verona SpP NobelClad Europe GmbH & Co. KG RP Technik GmbH Profilsysteme Salzgitter Mannesmann International GmbH Stahlo Stahl Service GmbH & Co. KG Stemcor USA, Inc. Thyssenkrupp Steel Europe AG TWF Treuhandgesellschaft Werbefilm mbH Tranter Service Centers Válcovny Trub Chomutov A.s. Voestalpine Grobblech GmbH.	
CANADA: Large Diameter Welded Pipe, A-122-863	5/1/20-4/30/21
Acier Profile SBB Inc Aciers Lague Steels Inc Amdor Inc Armtec-Canada Culvert BPC Services Group Bri-Steel Manufacturing Canada Culvert Canadian National Steel Corp Canam (St Gedeon) Canam Group Inc. Cappco Tubular Products Canada Inc CFI Metal Inc Dominion Pipe & Piling Enduro Canada Pipeline Services Evraz Inc. NA Evraz Inc. NA Canada Fi Oilfield Services Canada Forterra Gchem Ltd Graham Construction Groupe Fordia Inc Grupo Fordia Inc Hodgson Custom Rolling Hyprescon Inc Interpipe Inc K K Recycling Services Kobelt Manufacturing Co Labrie Environment Les Aciers Sofatec Lorenz Conveying P Lorenz Conveying Products Matrix Manufacturing MBI Produits De Forge Nor Arc Peak Drilling Ltd Pipe & Piling Sply Ltd Pipe & Piling Supplies Prudential Prudential Shaw Pipe Protecction Shaw Pipe Protection Tenaris Algoma Tubes Facility Tenaris Prudential The Canadian National Steel Corporation Welded Tube of Can Ltd WGI Westman Group Inc.	
CANADA: Polyethylene Terephthalate Resin, A-122-855	5/1/20-4/30/21
Compagnie Selenis Canada	
GERMANY: Certain and Alloy Steel Cut-To-Length Plate, A-428-844	5/1/20-4/30/21
AG der Dillinger Hüttenwerke	
GREECE: Large Diameter Welded Pipe, A-484-803	5/1/20-4/30/21
Corinth Pipeworks Pipe Industry S.A.	
ITALY: Certain Carbon and Alloy Steel Cut-To-Length Plate, A-475-834	5/1/20-4/30/21
Arvedi Tubi Acciaio C.M.T. Construzioni Meccaniche di Taglione Emilio & C. S.a.s. Lyman Steel Company	

	Period to be reviewed
NLMK Verona SpA O.M.E.P SpA Ofar SpA Officine Meccaniche M.A.M. s.r.l. Officine Tecnosider s.r.l. Sesa SpA. SZ Acroni D.o.o. Tim-Cop Doo Temerin	
JAPAN: Diffusion-Annealed Nickel-Plated Flat Rolled Steel Products, A-588-869	5/1/20-4/30/21
Toyo Kohan Co., Ltd	
OMAN: Polyethylene Terephthalate Resin, A-523-810	5/1/20-4/30/21
OCTAL SAOC-FZC	
REPUBLIC OF KOREA: Carbon and Alloy Steel Wire Rod, A-580-891	5/1/20-4/30/21
POSCO	
REPUBLIC OF KOREA: Certain Carbon and Alloy Steel Cut-To-Length Plate, A-580-887	5/1/20-4/30/21
POSCO	
REPUBLIC OF KOREA: Large Diameter Welded Pipe, A-580-897	5/1/20-4/30/21
AJU Besteel Co., Ltd.	
Chang Won Bending Co., Ltd.	
Daiduck Piping Co., Ltd.	
Dong Yang Steel Pipe Co., Ltd.	
Dongbu Incheon Steel Co., Ltd.	
EEW KHPC Co., Ltd.	
EEW Korea Co., Ltd.	
EM Solution Co., Ltd.	
Hansol Metal Co., Ltd.	
Hawin	
Histeel Co., Ltd.	
Husteel Co., Ltd.	
Hyosung	
Hyundai RB Co., Ltd.	
Hyundai Steel	
Hyundai Steel Co., Ltd.	
Hyundai Steel Company	
Kiduck Industries Co., Ltd.	
Kum Kang Kind. Co., Ltd.	
Kumsoo Connecting Co., Ltd.	
Nexteel Co., Ltd.	
POSCO	
Samkang M&T Co., Ltd.	
SeAH Steel Corporation	
SeAH Steel, Co., Ltd.	
Seonghwa Industrial Co., Ltd.	
SIN-E B&P Co., Ltd.	
Steel Flower Co., Ltd.	
WELTECH Co., Ltd.	
REPUBLIC OF KOREA: Polyester Staple Fiber, A-580-839	5/1/20-4/30/21
Huvis Corporation	
Toray Advanced Materials Korea, Inc. (formerly Toray Chemical Korea, Inc.) ("TAK")	
TAIWAN: Stainless Steel Plate in Coils, A-583-830	5/1/20-4/30/21
Aurora Metal International Co., Ltd.	
Build Up Hardware Co., Ltd.	
Chain Chon Industrial Co., Ltd.	
Chang Mien Industries Co., Ltd.	
Chia Far Industries Factory Co., Ltd.	
Chien Shing Stainless Co., Ltd.	
China Steel Corporation	
China Tah Lee Special Steel Co., Ltd.	
Da Song Enterprise Co., Ltd.	
Da Tsai Stainless Steel Co., Ltd.	
East Tack Enterprise Co., Ltd.	
Gifull Enterprise Co., Ltd.	
Goang Jau Shing Enterprise Co., Ltd.	
Goldioceans International Co., Ltd.	
High Point Steel Mfg. Co., Ltd.	
Hoka Elements Co., Ltd.	
Huang-Yi Steel Coil Co., Ltd.	
JJSE Co., Ltd.	
Jye Chi Corporation	
Kunn Chuan Enterprise Co., Ltd.	
Lien Kuo Metal Industries Co., Ltd.	
Lung An Stainless Steel Ind. Co., Ltd.	
Omen Bright Co., Ltd.	
PFP Taiwan Co., Ltd.	

	Period to be reviewed
Pyramid Metal Technology Co., Ltd. Shing Shong Ta Metal Ind. Co., Ltd. S-More Steel Materials Co., Ltd. Sinkang Industries Co., Ltd. Shye Yao Steel Co., Ltd. Stanch Stainless Steel Co., Ltd. Sinkang Industries, Ltd. Ta Chen International Sun Chun Stainless Co., Ltd. Ta Fong Steel Co., Ltd. Ta Chen Stainless Pipe Co., Ltd Tang Eng Iron Works Taiwan Nippon Steel Stainless Tzong Ji Metals Co., Ltd. Tsung Yui Enterprise Co., Ltd. Yc Inox Co., Ltd. Wuu Jing Enterprise Co., Ltd. Yi Shuenn Enterprise Co., Ltd. Yieh Loong Enterprise Co., Ltd. (aka Chung Hung Steel Co., Ltd.) Yieh Mau Corporation Yieh Trading Co. Yieh United Steel Corporation (YUSCO) Yuan Long Stainless Steel Corp. Yuen Chang Stainless Steel Co., Ltd. Yuh Sheng Stainless Steel Co., Ltd.	
TAIWAN: Certain Stilbenic Optical Brightening Agents, A-583-848	5/1/20-4/30/21
Teh Fong Min International Co., Ltd.	
THE PEOPLE'S REPUBLIC OF CHINA: Aluminum Extrusions, A-570-967	5/1/20-4/30/21
Anhui Morden Living Co., Ltd. Apex Shipping Group (Dalian) Co., Ltd. Changzhou Ssangleong Industrial Textile Co., Ltd. China National Aero-Technology Import and Export Corporation China Suzhou Erma Machinery Co., Ltd. City Ocean International Inc. D. MAG (Kunshan) New Material Technology Co. Ltd. LLC Dalian Senmiao Wooden Products Co., Ltd. E Motor Industries International Shanghai Co., Ltd. East Asia Aluminum Co., Ltd. Easteel Hard Ware Co., Ltd. Foshan Faxus Trading Co. Ltd Foshan Sanshui Haixiang Artwork Fuzhou Baitu E Commerce Co., Ltd. Fuzhou Light Industry Imp. & Exp. Co., Ltd. Hangzhou Hongli Pipe Machinery Co., Ltd. Hangzhou Yong Ting Silk Co., Ltd. Honour Lane Shipping Ltd Juxianxing Imp. & Exp. (Shenzhen) Co. Kingtom Aluminio SRL Nanhai Silk Import & Export Corp Ltd of Guangdong Paleo Furniture Co., Ltd. Shanghai HST Transport Co., Ltd Shenzhen Wanguoyong Commerce Co. Ltd. Shenzhen Zhongsheng Import and Export Co. Ltd. Sichuan Hongxing Shoes Factory Materials Co., Ltd. Taizhou Meihua Work of Art Co., Ltd. Topocean Consolidation Service (China) Limited Wuxi Qianzhou Machinery Equipment Factory Zhejiang Hengfeng Top Leisure Co., Ltd. Zhuhai Haofeng Imp. & Exp. Co., Ltd.	
THE PEOPLE'S REPUBLIC OF CHINA: Oil Country Tubular Goods, A-570-943	5/1/20-4/30/21
China United International Company Confab Industrial S.A. HLD Clark Steel Pipe Co., Inc. HLDS (B) Steel SDN BHD Huludao City Steel Pipe Industrial Co., Ltd.	
THE PEOPLE'S REPUBLIC OF CHINA: Pure Magnesium, A-570-832	5/1/20-4/30/21
Tianjin Magnesium International Co., Ltd. Tianjin Magnesium Metal Co., Ltd.	
TURKEY: Circular Welded Carbon Steel Pipes and Tubes, A-489-501	5/1/20-4/30/21
Borusan Mannesmann Boru Sanayi ve Ticaret A.S. Borusan Mannesmann Pipe U.S. Inc. Borusan Birlesik Boru Fabrikalari San ve Tic Borusan Gemlik Boru Tesisleri A.S. Borusan Holding	

	Period to be reviewed
<p>Borusan Ihracat Ithalat ve Dagitim A.S. Borusan Ithicat ve Dagitim A.S. Borusman Istikbal Ticaret T.A.S. Borusan Mannesmann Yatirim Holding Cayirova Boru Sanayi ve Ticaret A.S. Cinar Boru Profil San. Ve Tic. A.S. Erbosan Erciyas Boru Sanayi ve Ticaret A.S. Kale Baglann Teknolojileri San. ve Tic. A.S. Noksel Celik Boru Sanayi A.S. Toscelik Metal Ticaret A.S. Toscelik Profil Ve Sac Endüstrisi A.S. Tosyalı Dis Ticaret A.S Tubeco Pipe and Steel Corporation Yucel Boru ve Profil Endustrisi A.S. Yucelboru Ihracat ve Pazarlama A.S.</p>	
<p>TURKEY: Large Diameter Welded Pipe, A-489-833</p>	5/1/20-4/30/21
<p>Borusan Istikbal Ticaret HDM Celik Boru Sanayi ve Ticaret A.S. HDM Spiral Kaynakli Boru A.S. HDM Spirally Welded Steel Pipe Inc. Spirally Welded Steel Pipe Inc. Çimtaş Boru Imalatiral Ticaret Ltd. Çimtas Boru Imalatlari ve Ticaret Ltd. Sti. Çimtas Boru Imalatlari LTD STI Emek Boru Makina Sanayi ve Ticaret A.S. Erciyas Celik Boru Sanayi A.S. Mazlum Mangtay Boru Son. Ins. Tar.Urn.San.ve Tic. A.S. Noksel Celik Boru Sanayi A.S. Ozbal Celik Boru San. Tic. Ve TAAH A.S. Toscelik Profil ve Sac End. A.S. Toscelik Profile and Sheet Ind. Co. Toscelik Spiral Boru Uretim A.S. Umran Celik Boru Sanayii A.S.</p>	
<p>UNITED ARAB EMIRATES: Certain Steel Nails, A-520-804</p>	5/1/20-4/30/21
<p>Al Falaq Building Materials Al Khashab Building Materials Co., LLC Al Rafaa Star Building Materials Est. Al Sabbah Trading and Importing, Est. All Ferro Building Materials, LLC Asgarali Yousuf Trading Co., LLC Azymuth Consulting, LLC Burj Al Tasmeem, Tr. Gheewala Hardware Trading Company, LLC Master Nails and Pins Manufacturing, LLC Middle East Manufacturing Steel LLC New World International, LLC Okzeela Star Building Materials Trading, LLC Rich Well Steel Industries LLC Rishi International, FZCO Samrat Wire Industry, LLC Sea Lan Contracting SK Metal International DMCC Trade Circle Enterprises, LLC</p>	
CVD Proceedings	
<p>REPUBLIC OF KOREA: Certain Carbon and Alloy Steel Cut-To-Length Plate, C-580-888</p>	1/1/20-12/31/20
<p>Ajin Industrial Co., Ltd. BDP International Blue Track Equipment Boxco Bukook Steel Co., Ltd. Buma CE Co., Ltd. China Chengdu International Techno-Economic Cooperation Co., Ltd. Daehan I.M. Co., Ltd. Daehan Tex Co., Ltd. Daelim Industrial Co., Ltd. Daesam Industrial Co., Ltd. Daesin Lighting Co., Ltd. Daewoo International Corp. Dong Yang Steel Pipe DK Dongshin Co., Ltd. Dongbu Steel Co., Ltd. Dongkuk Industries Co., Ltd. Dongkuk Steel Mill Co., Ltd.</p>	

	Period to be reviewed
EAE Automotive Equipment EEW KHPC Co., Ltd. Eplus Expo Inc. GS Global Corp. Haem Co., Ltd. Han Young Industries Hyosung Corp. Hyundai Steel Co. Jinmyung Fricttech Co., Ltd. Khana Marine Ltd. Kindus Inc. Korean Iron and Steel Co., Ltd. Kyoungil Precision Co., Ltd. Menics POSCO POSCO International Qian'an Rentai Metal Products Co., Ltd Samsun C&T Corp. Samsung Shinko Shipping Imperial Co., Ltd. Sinchang Eng Co., Ltd. SK Networks Co., Ltd. SNP Ltd. Steel N People Ltd. Summit Industry Sungjin Co., Ltd. Young Sun Steel	
REPUBLIC OF KOREA: Large Diameter Welded Pipe, C-580-898	1/1/20-12/31/20
AJU Besteel Co., Ltd. Chang Won Bending Co., Ltd. Daiduck Piping Co., Ltd. Dong Yang Steel Pipe Co., Ltd. Dongbu Incheon Steel Co., Ltd. EEW KHPC Co., Ltd. EEW Korea Co., Ltd. EM Solution Co., Ltd. Hansol Metal Co., Ltd. Hawin Histeel Co., Ltd. Husteel Co., Ltd. ⁵ Hyosung Hyundai RB Co., Ltd. Hyundai Steel Hyundai Steel Co., Ltd. Hyundai Steel Company ⁶ Kiduck Industries Co., Ltd. Kum Kang Kind. Co., Ltd. Kumsoo Connecting Co., Ltd. Nexteel Co., Ltd. POSCO Samkang M&T Co., Ltd. SeAH Steel Corporation SeAH Steel, Co., Ltd. Seonghwa Industrial Co., Ltd. SIN-E B&P Co., Ltd. Steel Flower Co., Ltd. WELTECH Co., Ltd.	
THE PEOPLE'S REPUBLIC OF CHINA: Aluminum Extrusions, C-570-968	1/1/20-12/31/20
Anhui Morden Living Co., Ltd. Apex Shipping Group (Dalian) Co., Ltd. Changzhou Ssangleong Industrial Textile Co., Ltd. China National Aero-Technology Import and Export Corporation China Suzhou Erma Machinery Co., Ltd. City Ocean International Inc. D. MAG (Kunshan) New Material Technology Co. Ltd. LLC Dalian Senmiao Wooden Products Co., Ltd. E Motor Industries International Shanghai Co., Ltd. East Asia Aluminum Co., Ltd. Easteel Hard Ware Co., Ltd. Foshan Faxus Trading Co. Ltd Foshan Sanshui Haixiang Artwork Fuzhou Baitu E Commerce Co., Ltd. Fuzhou Light Industry Imp. & Exp. Co., Ltd.	

	Period to be reviewed
Hangzhou Hongli Pipe Machinery Co., Ltd. Hangzhou Yong Ting Silk Co., Ltd. Honour Lane Shipping Ltd Juxianxing Imp. & Exp. (Shenzhen) Co. Kingtom Aluminio SRL Nanhai Silk Import & Export Corp Ltd of Guangdong Paleo Furniture Co., Ltd. Shanghai HST Transport Co., Ltd Shenzhen Wanguoyong Commerce Co. Ltd. Shenzhen Zhongsheng Import and Export Co. Ltd. Sichuan Hongxing Shoes Factory Materials Co., Ltd. Taizhou Meihua Work of Art Co., Ltd. Topocean Consolidation Service (China) Limited Wuxi Qianzhou Machinery Equipment Factory Zhejiang Hengfeng Top Leisure Co., Ltd. Zhuhai Haofeng Imp. & Exp. Co., Ltd. TURKEY: Large Diameter Welded Pipe, C-489-834 Borusan Istikbal Ticaret HDM Celik Boru Sanayi ve Ticaret A.S. HDM Spiral Kaynakli Boru A.S. HDM Spirally Welded Steel Pipe Inc. Spirally Welded Steel Pipe Inc. Çimtaş Boru Imalatı Ticaret Ltd. Çimtaş Boru Imalatları ve Ticaret Ltd. Sti. Çimtaş Boru Imalatları LTD STI Emek Boru Makina Sanayi ve Ticaret A.S. Erciyas Celik Boru Sanayi A.S. Mazlum Mangtay Boru Son. Ins. Tar.Urn.San.ve Tic. A.S. Noksel Celik Boru Sanayi A.S. Ozbal Celik Boru San. Tic. Ve TAAH A.S. Toscelik Profil ve Sac End. A.S. Toscelik Profile and Sheet Ind. Co. Toscelik Spiral Boru Uretim A.S. Umran Celik Boru Sanayi A.S.	1/1/20-12/31/20

Suspension Agreements

None.

Duty Absorption Reviews

During any administrative review covering all or part of a period falling between the first and second or third and fourth anniversary of the publication of an AD order under 19 CFR 351.211 or a determination under 19 CFR 351.218(f)(4) to continue an order or suspended investigation (after sunset review), Commerce, if requested by a domestic interested party within 30

⁵ Subject merchandise both produced and exported by Husteel Co., Ltd. (Husteel) is excluded from the countervailing duty order. *See Large Diameter Welded Pipe from the Republic of Korea: Countervailing Duty Order*, 84 FR 18773 (May 2, 2019). Thus, Husteel's inclusion in this administrative review is limited to entries for which Husteel was not both the producer and exporter of the subject merchandise.

⁶ Subject merchandise both produced and exported by Hyundai Steel Company (Hyundai Steel) and subject merchandise produced by Hyundai Steel and exported by Hyundai Corporation are excluded from the countervailing duty order. *See Large Diameter Welded Pipe from the Republic of Korea: Countervailing Duty Order*, 84 FR 18773 (May 2, 2019). Thus, Hyundai Steel's inclusion in this administrative review is limited to entries for which Hyundai Steel was not the producer and exporter of the subject merchandise and for which Hyundai Steel was not the producer and Hyundai Corporation was not the exporter of subject merchandise.

days of the date of publication of the notice of initiation of the review, will determine whether AD duties have been absorbed by an exporter or producer subject to the review if the subject merchandise is sold in the United States through an importer that is affiliated with such exporter or producer. The request must include the name(s) of the exporter or producer for which the inquiry is requested.

Gap Period Liquidation

For the first administrative review of any order, there will be no assessment of antidumping or countervailing duties on entries of subject merchandise entered, or withdrawn from warehouse, for consumption during the relevant "gap" period of the order (*i.e.*, the period following the expiry of provisional measures and before definitive measures were put into place), if such a gap period is applicable to the POR.

Administrative Protective Orders and Letters of Appearance

Interested parties must submit applications for disclosure under administrative protective orders in accordance with the procedures outlined in Commerce's regulations at

19 CFR 351.305. Those procedures apply to administrative reviews included in this notice of initiation. Parties wishing to participate in any of these administrative reviews should ensure that they meet the requirements of these procedures (*e.g.*, the filing of separate letters of appearance as discussed at 19 CFR 351.103(d)).

Factual Information Requirements

Commerce's regulations identify five categories of factual information in 19 CFR 351.102(b)(21), which are summarized as follows: (i) Evidence submitted in response to questionnaires; (ii) evidence submitted in support of allegations; (iii) publicly available information to value factors under 19 CFR 351.408(c) or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2); (iv) evidence placed on the record by Commerce; and (v) evidence other than factual information described in (i)–(iv). These regulations require any party, when submitting factual information, to specify under which subsection of 19 CFR 351.102(b)(21) the information is being submitted and, if the information is submitted to rebut, clarify, or correct factual information already on the record, to provide an explanation

identifying the information already on the record that the factual information seeks to rebut, clarify, or correct. The regulations, at 19 CFR 351.301, also provide specific time limits for such factual submissions based on the type of factual information being submitted. Please review the *Final Rule*,⁷ available at <https://enforcement.trade.gov/frn/2013/1304frn/2013-08227.txt>, prior to submitting factual information in this segment. Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information, until further notice.⁸

Any party submitting factual information in an AD or CVD proceeding must certify to the accuracy and completeness of that information using the formats provided at the end of the *Final Rule*.⁹ Commerce intends to reject factual submissions in any proceeding segments if the submitting party does not comply with applicable certification requirements.

Extension of Time Limits Regulation

Parties may request an extension of time limits before a time limit established under Part 351 expires, or as otherwise specified by Commerce.¹⁰ In general, an extension request will be considered untimely if it is filed after the time limit established under Part 351 expires. For submissions which are due from multiple parties simultaneously, an extension request will be considered untimely if it is filed after 10:00 a.m. on the due date. Examples include, but are not limited to: (1) Case and rebuttal briefs, filed pursuant to 19 CFR 351.309; (2) factual information to value factors under 19 CFR 351.408(c), or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2), filed pursuant to 19 CFR 351.301(c)(3) and rebuttal, clarification and correction filed pursuant to 19 CFR 351.301(c)(3)(iv); (3) comments concerning the selection of a surrogate country and surrogate values and rebuttal; (4) comments concerning CBP data; and (5) Q&V questionnaires. Under certain circumstances, Commerce may

elect to specify a different time limit by which extension requests will be considered untimely for submissions which are due from multiple parties simultaneously. In such a case, Commerce will inform parties in the letter or memorandum setting forth the deadline (including a specified time) by which extension requests must be filed to be considered timely. This policy also requires that an extension request must be made in a separate, stand-alone submission, and clarifies the circumstances under which Commerce will grant untimely-filed requests for the extension of time limits. Please review the *Final Rule*, available at <https://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm>, prior to submitting factual information in these segments.

These initiations and this notice are in accordance with section 751(a) of the Act (19 U.S.C. 1675(a)) and 19 CFR 351.221(c)(1)(i).

Dated: June 29, 2021.

James Maeder,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2021-14290 Filed 7-2-21; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Manufacturing Extension Partnership Management Information Reporting

AGENCY: National Institute of Standards and Technology (NIST), Commerce.

ACTION: Notice of information collection, request for comment.

SUMMARY: The Department of Commerce, in accordance with the Paperwork Reduction Act of 1995 (PRA), 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 preceding submission of the collection to OMB.

DATES: To ensure consideration, comments regarding this proposed information collection must be received on or before September 7, 2021.

ADDRESSES: Interested persons are invited to submit written comments by mail to Maureen O'Reilly, Management Analyst, NIST, by email to PRAComments@doc.gov. Please reference OMB Control Number 0693-0032 in the subject line of your comments. Do not submit Confidential Business Information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or specific questions related to collection activities should be directed to Melissa Davis, NIST, Manufacturing Extension Partnership, 100 Bureau Drive, Gaithersburg, MD 20899, MS4800, 240-277-0269, melissa.davis@nist.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

Manufacturing Extension Partnership (MEP) is a national network of locally based manufacturing extension centers that assists small- and medium-sized manufacturers to improve their productivity, improve profitability, and enhance their economic competitiveness. The information collected will provide the MEP with information regarding MEP Center performance regarding the delivery of technology, and business solutions to U.S.-based manufacturers. The collected information will assist in determining the performance of the MEP Centers at both local and national levels, provide information critical to monitoring and reporting on MEP programmatic performance and assist management in policy decisions. Responses to the collection of information are mandatory per the regulations governing the operation of the MEP Program (15 CFR parts 290, 291, 292, and H.R. 1274—section 2). The information collected will include center inputs and activities including services delivered, clients served, center staff, quarterly expenses and revenues, partners, strategic plan, operation plans, and client success stories. No confidentiality for information submitted is promised or provided. In order to reflect new initiatives and new data needs, NIST MEP has identified a need to revise its existing reporting processes by modifying existing reporting elements that will enable NIST MEP to better monitor and assess the extent to which the Centers are meeting program goals and milestones.

II. Method of Collection

The information will be collected from the MEP Centers through the MEP Enterprise Information System (MEIS), <https://meis.nist.gov>.

⁷ See *Certification of Factual Information To Import Administration During Antidumping and Countervailing Duty Proceedings*, 78 FR 42678 (July 17, 2013) (*Final Rule*); see also the frequently asked questions regarding the *Final Rule*, available at https://enforcement.trade.gov/tlei/notices/factual_info_final_rule_FAQ_07172013.pdf.

⁸ See *Temporary Rule Modifying AD/CVD Service Requirements Due to COVID-19*, 85 FR 41363 (July 10, 2020).

⁹ See section 782(b) of the Act; see also *Final Rule*; and the frequently asked questions regarding the *Final Rule*, available at https://enforcement.trade.gov/tlei/notices/factual_info_final_rule_FAQ_07172013.pdf.

¹⁰ See 19 CFR 351.302.

III. Data

OMB Control Number: 0693-0032.

Form Number(s): None.

Type of Review: Regular submission (revision of a current information collection).

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 51.

Estimated Time Per Response: 20 Hours for Quarterly Review, 4 Hours for Semi-Annual Review, 30 hours for the Annual Review; 80 hours for Panel Review. Recipients of Special Funding awards should anticipate an additional burden of 2 hours quarterly/semiannually (per award) based on the requirements of the cooperative agreement.

Estimated Total Annual Burden Hours: 5,508 hours for Quarterly, Semi-annual, and Annual Review; and 1,360 hours for Panel Review.

Estimated Total Annual Cost to Public: \$0.

Respondent's Obligation: Mandatory.

Legal Authority:

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. 2021-14286 Filed 7-2-21; 8:45 am]

BILLING CODE 3510-13-P

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration**

[RTID 0648-XB206]

Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The Pacific Fishery Management Council (Pacific Council) will hold an online meeting to consider information on marine planning and offshore development planning and activities. This meeting is open to the public.

DATES: The online meeting will be held Thursday, July 22, 2021 and Friday, July 23, 2021, from 9 a.m. to 5 p.m., Pacific Daylight Time, each day. Exact meeting times may be adjusted in advance, and the meeting may be adjourned early if work for that day has been completed. The meeting agenda with specific times will be posted to the Pacific Council website in advance of the meeting.

ADDRESSES: The meeting will be held online. Specific meeting information, including directions on how to join the meeting and system requirements will be provided in the meeting announcement on the Pacific Council's website (see www.pcouncil.org). You may send an email to Mr. Kris Kleinschmidt (kris.kleinschmidt@noaa.gov, (503) 820-2412) for technical assistance.

Council address: Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220-1384.

FOR FURTHER INFORMATION CONTACT: Kerry Griffin, Pacific Council; telephone: (503) 820-2409.

SUPPLEMENTARY INFORMATION: Representatives of the United States Bureau of Ocean Energy Management and the Pacific Council will present information related to the planning process for identifying potential offshore wind energy sites in the U.S. Exclusive Economic Zone.

Representatives of Pacific Council Advisory Bodies will consider the information presented, provide feedback and advice, and develop reports to the Pacific Council for its consideration. A meeting agenda will be posted to the Pacific Council's website in advance of the meeting.

Although non-emergency issues not contained in the meeting agenda may be discussed, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this document and any issues arising after publication of this document 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

Requests for sign language interpretation or other auxiliary aids should be directed to Mr. Kris Kleinschmidt (kris.kleinschmidt@noaa.gov; (503) 820-2412) at least 10 days prior to the meeting date.

Authority: 16 U.S.C. 1901 *et seq.*

Dated: June 29, 2021.

Diane M. DeJames-Daly,

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

[FR Doc. 2021-14291 Filed 7-2-21; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration**

[RTID 0648-XB210]

Endangered Species; File Nos. 24140 and 24368

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

ACTION: Notice; receipt of application.

SUMMARY: Notice is hereby given that Jane Provancha, Herndon Solutions Group, LLC., 2562 Meadow Lane, Cocoa, FL 32926 and the NMFS Southeast Fisheries Science Center (SEFSC), 75 Virginia Beach Drive, Miami, FL 33149 (Responsible Party: Lisa Desfosse), have applied in due form for permits to take green (*Chelonia mydas*), hawksbill (*Eretmochelys imbricata*), Kemp's ridley (*Lepidochelys kempii*), leatherback (*Dermodochelys coriacea*), loggerhead (*Caretta caretta*), olive ridley (*L. olivacea*), and

unidentified hardshell sea turtles for purposes of scientific research.

DATES: Written, telefaxed, or email comments must be received on or before August 5, 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. 24140 or 24368 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 the relevant File No. 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: Amy Hapeman or Erin Markin, (301) 427-8401.

SUPPLEMENTARY INFORMATION: The subject permit is requested under the authority of 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).

File No. 24140: The applicant proposes to continue long term monitoring of the relative health, abundance, and distribution of green, loggerhead, Kemp's ridley and hawksbill sea turtles inhabiting the northern Indian River Lagoon, including the Mosquito Lagoon, Banana River in Volusia and Brevard Counties, Florida. Annually up to 30 greens, 30 loggerheads, one Kemp's ridley and one hawksbill would be captured by tangle net. Turtles would be measured, weighed, flipper tagged, and passive integrated transponder (PIT) tagged, photographed, and released. Green and loggerhead sea turtles would also be scute, skin, and blood sampled, and gastric lavaged prior to release. Up to 10 green and 10 loggerhead sea turtles may be released with sonic transmitters. The permit would be valid for 10 years.

File No. 24368: The SEFSC proposes to continue studying sea turtles legally bycaught within commercial fisheries and during other human activities operating in the Atlantic Ocean, Gulf of Mexico, Caribbean Sea, and the high seas. The objective is to better

understand movement and migration, habitat use, genetics, and population dynamics of the sea turtle species that interact with these human activities. Up to 111 green, 31 hawksbill, 260 Kemp's ridley, 117 leatherback, 490 loggerhead, 20 olive ridley, and 23 unidentified/hybrid live turtles would be photographed, measured, weighed, flipper tagged and PIT tagged, skin biopsied, and released annually. Carcasses, tissues or parts also may be salvaged from dead sea turtles. This work includes the import of biological samples or dead parts collected on the high seas. The permit would be valid for 10 years.

Dated: June 29, 2021.

Julia Marie Harrison,

Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2021-14275 Filed 7-2-21; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Socioeconomics of Coral Reef Conservation, Puerto Rico 2022 Survey

The Department of Commerce will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. We invite the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. Public comments were previously requested via the **Federal Register** on January 25, 2021 (86 FR 6876) during a 60-day comment period and again on April, 16, 2021 (86 FR 20120) during a 30-day comment period. This notice allows for an additional 30 days for public comments.

Agency: National Oceanic & Atmospheric Administration (NOAA), Commerce.

Title: Socioeconomics of Coral Reef Conservation, Puerto Rico 2022 Survey.

OMB Control Number: 0648-0646.

Form Number(s): None.

Type of Request: New information collection.

Number of Respondents: 1,800.

Average Hours per Response: 20 minutes (0.33 hours).

Total Annual Burden Hours: 600 hours.

Needs and Uses: This request is for a new information collection under the currently approved hybrid-generic information collection under OMB Control Number 0648-0646. The information collection is part of the National Coral Reef Monitoring Program (NCRMP), which was established by the National Oceanic and Atmospheric Administration (NOAA) Coral Reef Conservation Program (CRCP) under the authority of the Coral Reef Conservation Act of 2000. The CRCP was created to safeguard and ensure the welfare of the coral reef ecosystems along the coastlines of America's states and territories. In accordance with its mission goals, NOAA developed a survey to track relevant information regarding each jurisdiction's population, social and economic structure, the benefits of coral reefs and related habitats, the impacts of society on coral reefs, and the impacts of coral management on communities. The survey is repeated in each jurisdiction every five to seven years in order to provide longitudinal data and information for managers to effectively conserve coral reefs for current and future generations.

The purpose of this information collection is to obtain human dimensions information from residents in Puerto Rico. Specifically, NOAA is seeking information on the behaviors and activities related to coral reefs, as well as information on perceptions of coral reef conditions and attitudes toward specific reef conservation activities. The survey has a core set of questions that are the same for all jurisdictions to allow for information to be tracked over time. To account for geographical, cultural and linguistic differences between jurisdictions, the survey questions include items that are specific to the local context and developed based on jurisdictional partner feedback.

We intend to use the information collected through this survey instrument for research purposes, as well as for measuring and improving the results of our reef protection programs. Because many of our efforts to protect reefs rely on education and changing attitudes toward reef protection, the information collected will allow CRCP to ensure that programs are designed appropriately at the start, future program evaluation efforts are as

successful as possible, and outreach efforts are targeting the intended recipients with useful information.

Affected Public: Individuals or households.

Frequency: Every 5–7 years.

Respondent's Obligation: Voluntary.

Legal Authority: Coral Reef Conservation Act of 2000.

This information collection request may be viewed at www.reginfo.gov. Follow the instructions to view the Department of Commerce collections currently under review by OMB. Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function and entering either the title of the collection or the OMB Control Number 0648–0646.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.

[FR Doc. 2021–14351 Filed 7–2–21; 8:45 am]

BILLING CODE 3510–JS–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; Greater Atlantic Region Permit Family of Forms

AGENCY: National Oceanic & Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of information collection, request for comment.

SUMMARY: The Department of Commerce, in accordance with the Paperwork Reduction Act of 1995 (PRA), 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 preceding submission of the collection to OMB.

DATES: To ensure consideration, comments regarding this proposed

information collection must be received on or before September 7, 2021.

ADDRESSES: Interested persons are invited to submit written comments to Adrienne Thomas, NOAA PRA Officer, at Adrienne.thomas@noaa.gov. Please reference OMB Control Number 0648–0202 in the subject line of your comments. Do not submit Confidential Business Information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or specific questions related to collection activities should be directed to Cynthia Ferrio, Greater Atlantic Regional Fisheries Office, 55 Great Republic Dr., Gloucester, MA 01930, (978) 281–9180, Cynthia.ferrio@noaa.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for revision of a current information collection. Under the Magnuson-Stevens Fishery Conservation and Management Act, the Secretary of Commerce has the responsibility for the conservation and management of marine fishery resources. Much of this responsibility has been delegated to NOAA's National Marine Fisheries Service (NMFS).

Under this stewardship role, the Secretary was given certain regulatory authorities to ensure the most beneficial uses of these resources. One of the regulatory steps taken to carry out the conservation and management objectives is to collect information from users of the resources.

The Secretary has enacted rules to issue permits to individuals and organizations participating in federally controlled fisheries. Permits are necessary to: (1) Register fishermen, fishing vessels, fish dealers and processors; (2) list the characteristics of fishing vessels and/or dealer/processor operations; (3) exercise influence over compliance (e.g., withhold issuance pending collection of unpaid penalties); (4) maintain contact lists for the dissemination of important information to the industry; (5) register participants to be considered for limited entry; and (6) provide a universe for data collection samples. Identification of fishery participants, their gear types, vessels, and expected activity levels is an effective and necessary tool in the enforcement of fishery regulations.

This collection is being revised to introduce a new online permitting system (FishOnline) to allow individuals and organizations to apply and renew their fishing vessel permits, operator permits, dealer permits, Letter

of Authorization (LOA), and gillnet certificates.

This collection also includes the requirement for participants in certain fisheries to use onboard vessel monitoring systems (VMS) and to notify NMFS before fishing trips for the purpose of observer placement. Other permitting in this collection includes the written request to participate in any of the various exemption programs offered in the Greater Atlantic region.

Exemption programs may allow a vessel to fish in an area that is limited to vessels of a particular size, using a certain gear type, or fishing for a particular species. This collection also contains paperwork required for vessel owners to request gillnet and lobster trap tags through the Greater Atlantic region permit office.

Lastly, vessel owners that own multiple vessels, but would like to request communication from NMFS be consolidated into one mailing (and not separate mailings for each vessel), may request the single letter vessel owner option to improve efficiency of their business practice.

II. Method of Collection

Vessel Permits: All vessel permit applications, including permit applications and renewals for vessels, dealers, and vessel operators, as well as gillnet and lobster trap tag purchase, are required to be submitted using an online account (FishOnline).

VMS Requirements: Vessels with VMS requirements are required to declare their intent to fish (e.g., declare into the fishery) and submit daily catch reports using electronic VMS units on board the vessel. Other VMS actions may include trip start and end hails, pre-landing notifications, and days-at-sea (DAS) adjustments. VMS power down exemption requests are submitted by signed paper form.

Observer Program Call-in Requirements: Vessels issued certain permits such as Northeast multispecies, monkfish, scallop, and Atlantic herring permits are required to give advance notification to the Northeast Fisheries Observer Program (NEFOP) before the start of a trip in order to receive a fisheries observer or a waiver. Vessels use an online pre-trip notification system, email, toll-free call-in number, or a local phone number to comply with this requirement.

Exempted Fisheries Programs: Vessels that would like to request participation in one or more of the Greater Atlantic region fisheries exemption programs must either submit a request electronically using their VMS unit, by declaring into an exempted fishery prior

to the start of a trip, or by submitting a request to participate in the program(s) of interest using their FishOnline account.

Vessel Owner Single Letter Option: Vessel owners that own multiple vessels, but would like to receive only a single Greater Atlantic Fisheries Bulletin or small entity compliance guide instead of one for each vessel permit, must submit a written request to NMFS to participate in this program.

III. Data

OMB Control Number: 0648–0202.
Form Number(s): None.

Type of Review: Regular (revision of a current information collection).

Affected Public: Businesses and other for-profit organizations are primarily affected. Individuals or households, state, local or tribal governments, and the Federal Government are also affected.

Estimated Number of Respondents: 129,453.

Estimated Time per Response: *Vessel Permits:* Vessel permit application: 40 minutes; vessel permit renewal forms: 20 minutes; initial dealer permit applications: 15 minutes; dealer permit renewal forms: 5 minutes; initial and renewal vessel operator permit applications: 30 minutes; online account creation (FishOnline Account Information Collection): 15 minutes; limited access vessel replacement applications: 1.5 hours; and applications for retention of limited access permit history: 1.5 hours. *VMS Requirements:* Installing a VMS unit: 1 hour; confirming VMS connectivity: 5 minutes; VMS certification form: 5 minutes; VMS installation for Canadian herring transport vessels: 1 hour and 20 minutes; email to declare their entrance and departure from U.S. waters: 15 minutes; automatic polling of vessel position using the VMS unit: 0 minutes; area and DAS declarations: 5 minutes; declaration of days-out of the gillnet fishery for monkfish and NE multispecies vessels: 5 minutes; Good Samaritan DAS credit request: 30 minutes; entangled whale DAS credit request: 30 minutes; DAS credit for a canceled trip due to unforeseen circumstances, but have not yet begun fishing: 5 minutes to request via the VMS unit and 10 minutes to request via the paper form; VMS catch reports: 5 minutes; VMS power down exemption: 30 minutes. *Observer Program Call-in Requirements:* Requests for observer coverage are estimated to require either 2 or 10 minutes per request, depending on the program for which observers are requested. *Exempted Fisheries Programs:* Letter of Authorization (LOA)

to participate in any of the exemption programs: 5 minutes; Charter/Party Exemption Certificate for GOM Closed Areas: 5 minutes; limited access sea scallop vessels state waters DAS exemption program or state waters gear exemption program: 2 minutes; withdraw from either state waters exemption program prior to the end of the 7-day designated exemption period requirement: 2 minutes; request for change in permit category designation: 5 minutes; request for transit to another port by a vessel required to remain within the GOM cod trip limit: 2 minutes; gillnet category designation, including initial requests for gillnet tags: 10 minutes; requests for additional tags: 2 minutes; notification of lost tags and requests for replacement tag numbers: 2 minutes; attachment of gillnet tags: 1 minute; initial lobster area designations: 5 minutes; requests for additional tags: 2 minutes; and notification of lost tags: 3 minutes; requests for state quota transfers in the bluefish, summer flounder and scup fisheries: 1 hour; GOM cod trip limit exemption: 5 minutes; vessel owner single letter option: 5 minutes.

Estimated Total Annual Burden Hours: 18,737.

Estimated Total Annual Cost to Public: \$2,302,677 in record keeping/reporting costs.

Respondent's Obligation: Mandatory.
Legal Authority: Title 50, Chapter VI, Part 648: FISHERIES OF THE NORTHEASTERN UNITED STATES.

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. 2021–14292 Filed 7–2–21; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XB202]

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 Northeast Trawl Advisory Panel (NTAP) Working Group will hold a public webinar meeting.

DATES: The meeting will be held on Wednesday, July 21, 2021, from 1 p.m. to 3 p.m. For agenda details, see

SUPPLEMENTARY INFORMATION.

ADDRESSES: The meeting will be held via webinar. Details on the proposed agenda, webinar listen-in access, and briefing materials will be posted at 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, telephone: (302) 526–5255.

SUPPLEMENTARY INFORMATION: This meeting was rescheduled from June 18, 2021 to July 21, 2021 due to the new Juneteenth federal holiday. The purpose of this rescheduled meeting is for the NTAP Working Group to discuss (1) objectives of the restrictor cable research, (2) scope and timing of the research, and (3) prepare documentation for reporting out to the full panel.

Special Accommodations

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 5 days prior to the meeting date.

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

Dated: June 29, 2021.

Diane M. DeJames-Daly,

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

[FR Doc. 2021–14294 Filed 7–2–21; 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; Economic Analysis of Shoreline Treatment Options for Coastal New Hampshire

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 April 26, 2021 (86 FR 22034) during a 60-day comment period. This notice allows for an additional 30 days for public comments.

Agency: National Oceanic & Atmospheric Administration, Commerce.

Title: Economic Analysis of Shoreline Treatment Options for Coastal New Hampshire.

OMB Control Number: 0648–0788.

Form Number(s): None.

Type of Request: Regular submission [revision of a current information collection].

Number of Respondents: 2,701.

Average Hours per Response:

Pretest—17 minutes; Full survey—20 minutes; Non-response survey—5 minutes.

Total Annual Burden Hours: 824.

Needs and Uses: This is a request for a revision to information collection 0648–0788, sponsored by the National Oceanic and Atmospheric Administration (NOAA) National Center for Coastal Ocean Science (NCCOS).

This collection will benefit the NOAA, Office of Coastal Management (OCM), and decision-makers on the state and local level in New Hampshire. NOAA will collect economic data pursuant to the Coastal Zone Management Act (CZMA) and Digital Coastal Act.

The New Hampshire Coastal Risk and Hazards Commission (CRHC) was established by the State Legislature through RSA 483–E on July 2, 2013. The purpose of the Commission, as stated in the law, is to “recommend legislation, rules and other actions to prepare for projected sea-level rise and other coastal watershed hazards such as storms, increased river flooding and storm water runoff, and the risks such hazards pose to municipalities and the state assets in New Hampshire.” Further, in carrying out this charge, the Commission is specifically directed to “review National Oceanic and Atmospheric Administration and other scientific agency projections of coastal storm inundation and flood risk to determine the appropriate information, data, and property risks” to incorporate into its recommendations.

In 2016, the CRHC recommended the development of a “comprehensive, integrated New Hampshire Coastal Shoreline Management Plan (CSMP) that presents general priorities for coastal shoreline management, as well as site-specific and place-based strategies including, where appropriate, protection, adaptation, and abandonment.” Following a New Hampshire Shoreline Management workshop organized by GBNERR in 2014 and consistent with CRHC Recommendation BL6, NHCP has prioritized living shoreline assessment and implementation in its five-year strategy to enhance coastal management (309 Strategy, 2015) and set a longer term goal to develop a Tidal Shoreline Management Plan (TSMP) for New Hampshire.

The National Ocean Service (NOS) proposes to collect economic data to document perceived effects of weather and climate events and adaptation strategies, to assess probable public benefits that would be derived from shoreline treatment options within coastal New Hampshire, and to establish a baseline for future monitoring of NOAA's success in meeting its mandates and obligations.

Respondents will be randomly sampled from households (1) within New Hampshire, (2) within block groups in Maine adjacent to the Piscataqua River, and (3) within block groups in Massachusetts adjacent to the Hampton-Seabrook Estuary. Questions will explore such issues as participation

in recreational activities, familiarity with weather and climate effects and adaptation methods, sense of place, and opinions on shoreline treatment options. No PII will be collected. The final collection will support the development of a CSMP for New Hampshire as well as provide information to help inform local coastal zone management and planning.

Upon analysis of the pre-test data and guidance from experts in survey methodology, the following changes were made to enhance understanding, response rate, and to minimize respondent burden:

- **Question 4:** “suffered damage” has been replaced with “been damaged” to avoid potential bias an increase data quality.

- **Questions 7a/8a:** “coastal flooding” has been replaced with “flooding” to not exclude riverine flooding.

- **Questions 7a/8a, 7b/8b:** “flooding damage” and “shoreline erosion damage” were replaced with “damage from flooding” and “damage from shoreline erosion” to improve understanding.

- **Questions 14h and 14i** were removed based on pre-test results to reduce burden without decreasing data quality.

- **Questions 16–21** originally asked respondents to indicate their preference to six unique policy options, but now respondents are asked to compare three sets of unique policy options. Pre-test results suggested that respondents would prefer to compare policies rather than rate them individually, and comparing three sets of policy options should reduce burden while increasing data quality.

- **Question 22b:** This question is now asked after each policy comparison instead of once to improve data quality.

- **Question 22f:** “a public vote or referendum” was replaced with “being considered by the New Hampshire legislature” to convey the same information, but using region-specific terminology, which should increase data quality.

- **Question 22:** An additional statement was added to capture potentially invalid responses due to “scenario rejection,” which should increase data quality.

- **Question 23:** The question and response option phrasings have been updated to reflect the modified choice experiment.

- **Question 30:** The year has been updated from 2019 to 2020 when asking about the previous year's household income.

- A question has been added to ask how long the respondent has been a

resident of their current state. Respondents who have recently moved within their state may have different opinions than those who have recently moved from out-of-state, so this additional question should increase data quality.

Affected Public: Individuals or households.

Frequency: Once.

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 0648–0788.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.

[FR Doc. 2021–14354 Filed 7–2–21; 8:45 am]

BILLING CODE 3510–JE–P

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

Broadband Grant Programs Webinar Series

AGENCY: National Telecommunications and Information Administration, U.S. Department of Commerce.

ACTION: Notice of open meetings.

SUMMARY: The National Telecommunications and Information Administration (NTIA) will host webinars in connection with the three new broadband grant programs authorized and funded by the Consolidated Appropriations Act, 2021: The Broadband Infrastructure Program, the Tribal Broadband Connectivity Program, and the Connecting Minority Communities Pilot Program. The webinars are designed to help prospective applicants understand the grant programs and to assist applicants to prepare high quality grant applications.

DATES: NTIA will offer webinars on the following dates:

1. Broadband Infrastructure Program:
 - August 4 & 5 at 2:30 p.m. Eastern Daylight Time (EDT)
2. Tribal Broadband Connectivity Program:
 - August 11 & 12 at 2:30 p.m. EDT
 - August 23 & 24 at 2:30 p.m. EDT
3. Connecting Minority Communities Pilot Program:
 - August 18 & 19 at 2:30 p.m. EDT
 - September 22 & 23 at 2:30 EDT
 - October 20 & 21 at 2:30 EDT

ADDRESSES: These are virtual meetings. NTIA will post the registration information on its BroadbandUSA website, <https://broadbandusa.ntia.doc.gov>, under Events.

FOR FURTHER INFORMATION CONTACT:

Maci Morin, National Telecommunications and Information Administration, U.S. Department of Commerce, Room 4872, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–4884; email: BroadbandUSAwebinars@ntia.gov. Please direct media inquiries to NTIA's Office of Public Affairs, (202) 482–7002; email press@ntia.gov.

SUPPLEMENTARY INFORMATION: Division N, Title IX—Broadband internet Access Service, of the Consolidated Appropriations Act, 2021 (Pub. L. 116–260) authorized and funded three new broadband grant programs to be administered by NTIA: The Broadband Infrastructure Program, the Tribal Broadband Connectivity Program, and the Connecting Minority Community Pilot Program. On March 19, 2021, NTIA published a Notice in the **Federal Register** announcing a webinar series designed to help prospective applicants understand the grant programs and to assist applicants to prepare high quality grant applications. See NTIA, Notice of Open Meetings—NTIA Broadband Grant Programs Webinars, 86 FR 14882 (March 19, 2021); NTIA, Notice of Change to Schedule for Open Meetings—NTIA Broadband Grant Programs Webinars, 86 FR 18965 (April 12, 2021). NTIA held six webinars related to these programs, with more than 2,800 participants. Participants have communicated that they found the webinars to be informative in understanding the rules associated with the programs. NTIA seeks to continue to use webinars as a means of informing potential applicants.

Details on specific webinars, their contents, and webinar registration information will be posted on the BroadbandUSA website, <https://broadbandusa.ntia.doc.gov>, under Events.

These webinars are subject to change. Webinar time changes will be posted on the BroadbandUSA website, <https://broadbandusa.ntia.doc.gov>, under Events. Any webinar cancellation will also be posted on the same website. Any date change in a scheduled webinar will be provided in a notice in the **Federal Register**.

The presentation and recording of each webinar will be posted on the BroadbandUSA website at <https://broadbandusa.ntia.doc.gov/> and NTIA's YouTube channel at: <https://www.youtube.com/ntiagov> within 7 days following the live webinar.

The public is invited to participate in these webinars. The webinars are open to the public and press. Pre-registration is required as space is limited to the first 1,000 participants. NTIA asks each registrant to provide their first and last name, city, state, zip code, job title, organization and email address for registration purposes.

Individuals requiring accommodations, such as sign language interpretation or other ancillary aids, are asked to notify the NTIA contact listed above at least ten (10) business days before the meeting. General questions and comments are welcome via email to BroadbandUSAwebinars@ntia.gov.

Dated: June 30, 2021.

Kathy Smith,

Chief Counsel, National Telecommunications and Information Administration.

[FR Doc. 2021–14332 Filed 7–2–21; 8:45 am]

BILLING CODE 3510–60–P

CONSUMER PRODUCT SAFETY COMMISSION

Sunshine Act Meeting Notice

TIME AND DATE: Wednesday, July 14, 2021; 10 a.m.

PLACE: This meeting will be conducted by remote means.

STATUS: Commission Meeting—Closed to the Public.

MATTER TO BE CONSIDERED: Decisional Matter.

CONTACT PERSON FOR MORE INFORMATION: Alberta E. Mills, Secretary, Division of the Secretariat, Office of the General Counsel, U.S. Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814, (301) 504–7479 (Office) or 240–863–8938 (cell).

Dated: June 30, 2021.

Alberta E. Mills,
Secretary.

[FR Doc. 2021–14405 Filed 7–1–21; 11:15 am]

BILLING CODE 6355–01–P

CONSUMER PRODUCT SAFETY COMMISSION

Sunshine Act Meetings Notice

TIME AND DATE: Wednesday July 7, 2021; 10 a.m.

PLACE: This meeting will be conducted by remote means.

STATUS: Commission Meeting—Closed to the Public.

MATTER TO BE CONSIDERED: Decisional Matter.

TIME AND DATE: Wednesday, July 7, 2021; 11 a.m.

PLACE: This meeting will be conducted by remote means.

STATUS: Commission Meeting—Closed to the Public.

MATTER TO BE CONSIDERED: Briefing Matter.

CONTACT PERSON FOR MORE INFORMATION: Alberta E. Mills, Secretary, Division of the Secretariat, Office of the General Counsel, U.S. Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814, (301) 504-7479 (Office) or 240-863-8938 (cell).

Dated: June 30, 2021.

Alberta E. Mills,
Secretary.

[FR Doc. 2021-14404 Filed 7-1-21; 11:15 am]

BILLING CODE 6355-01-P

DEPARTMENT OF ENERGY

Extension of Approved Information Collection

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

ACTION: Notice and request for comments.

SUMMARY: The Department of Energy (DOE) invites public comment on the renewal of collection of information that DOE is developing for submission to the Office of Management and Budget (OMB) pursuant to the Paperwork Reduction Act of 1995. The renewal of the collection of information relates to DOE's Superior Energy Performance certification and 50001 Ready recognition programs.

DATES: Comments regarding this proposed information collection must be received on or before September 7, 2021. If you anticipate difficulty in submitting comments within that period, contact the person listed in **ADDRESSES** as soon as possible.

ADDRESSES: Written comments may be sent to Ethan Rogers, EE-5A/Forrestal Building, 1000 Independence Avenue

SW, Washington, DC 20585, by fax at 202-287-6093, or by email at ethan.rogers@ee.doe.gov.

FOR FURTHER INFORMATION CONTACT:

Requests for additional information or copies of the information collection instrument and instructions should be directed to Ethan Rogers, EE-5A/Forrestal Building, 1000 Independence Avenue SW, Washington, DC 20585, by fax at 202-287-6093, or by email at ethan.rogers@ee.doe.gov.

SUPPLEMENTARY INFORMATION: Comments are invited on: (a) Whether the approved collection of information remains necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, 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.

This information collection request contains:

(1) *OMB No.:* 1910-5177.

(2) *Information Collection Request Title:* Department of Energy Superior Energy Performance 50001 Program Certification and 50001 Ready Recognition Information Collection Request;

(3) *Type of Request:* Renewal;

(4) *Purpose:* This Information Collection Request applies to the Department of Energy (DOE) voluntary ISO 50001 programs for industrial facilities: Superior Energy Performance 50001™ (SEP 50001™) and 50001 Ready™ recognition. The information being collected remains necessary to ensure that DOE's ISO 50001 programs continue to deliver energy benefits and value to program participants. SEP 50001 is an energy efficiency certification and recognition program for industrial facilities demonstrating energy management excellence with ISO 50001 and third-party verification of energy savings. 50001 Ready recognition is a self-attestation of the implementation of an ISO 50001 energy management system without the need for external audits.

SEP 50001 builds on the ISO 50001 energy management system standard and provides a rigorous, internationally recognized business process for companies to continually improve their energy performance. The SEP third-party verification of energy performance improvement is unique in the marketplace and assists to differentiate

certified companies from their competitors. This request for information consists of a voluntary data collection process for SEP participation: To manage participation, track certification cycles, and relay the costs and benefits of SEP certification to industry. 50001 Ready collects a lesser amount of self-attested information to manage and track recognition cycles and to recognize the achievements of its participants.

Four types of information are collected from SEP 50001's primary participants: (1) Background data, including contact information and basic information about the facility's experience with energy management—collected in the SEP 50001 Application Form; (2) Basic facility information about its energy use, energy consumption, and energy performance indicators—also collected in the SEP 50001 Application Form; (3) Information on energy performance improvement in certified facilities—collected in the SEP 50001 Energy Performance Improvement Report. 50001 Ready collects only a subset of the same types of information in categories (1), (2), and (3), and without the need for external audit. The program's online system, the 50001 Ready Navigator, enables participants to submit this information.

Background data will primarily be used to track basic information about SEP and 50001 Ready participants and identify opportunities to provide participants with technical assistance. Basic information about a facility's energy use, energy consumption, and energy performance indicators will be used to administer each program. Information on energy performance improvement will be used by DOE to manage and track participation cycles, and to track the results of participating in SEP and 50001 Ready. Responses to the DOE's Information Collection Request will be voluntary.

(5) *Annual Estimated Number of Respondents:* 233;

(6) *Annual Estimated Number of Total Responses:* 233;

(7) *Annual Estimated Number of Burden Hours:* 333.

(8) *Annual Estimated Reporting and Recordkeeping Cost Burden:* \$25,120.

Statutory Authority: Accelerating Investment in Industrial Energy Efficiency. Executive Order 13624, 77 FR 54779 (Aug. 30, 2012); 42 U.S.C. 16191.

Signing Authority: This document of the Department of Energy was signed on June 28, 2021, by Michael McKittrick, Acting Director, Advanced Manufacturing Office, Office of Energy

Efficiency and Renewable Energy, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Office has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on June 30, 2021.

Treena V. Garrett,

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

[FR Doc. 2021-14333 Filed 7-2-21; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

Proposed Agency Information Collection: Realty—Application for Proposed Use of Right-of-Way

AGENCY: Bonneville Power Administration, Department of Energy.

ACTION: Notice of information collection; request for comments.

SUMMARY: The Department of Energy (DOE), Bonneville Power Administration (BPA), invites public comment on a collection of information that BPA is developing for submission to the Office of Management and Budget (OMB) pursuant to the Paperwork Reduction Act of 1995.

DATES: Comments regarding this proposed information collection must be received on or before September 15, 2021.

ADDRESSES: Written comments may be sent to Bonneville Power Administration, Attn: Theodore Rydmark, Privacy Program, CGI-7, P.O. Box 3621, Portland, OR 97208-3621, or by email at privacy@bpa.gov.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Attn: Theodore Rydmark, Privacy Program, by email at privacy@bpa.gov, or by phone at 503-230-5253.

SUPPLEMENTARY INFORMATION: Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the

agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) 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.

This information collection request contains:

(1) *OMB No.:* New;

(2) *Information Collection Request Title:* Realty—Application for Proposed Use of BPA Right-of-Way;

(3) *Type of Request:* New;

(4) *Purpose:* This information collection is associated with BPA's management and oversight of applications for public use of BPA right-of-way. The general public completes the following form: BPA F4300.03e;

(5) *Estimated Number of Respondents:* 400;

(6) *Annual Estimated Number of Respondents:* 400;

(7) *Annual Estimated Number of Burden Hours:* 200;

(8) *Annual Estimated Reporting and Recordkeeping Cost Burden:* 0;

Statutory Authority: 16 U.S.C. 832a(c).

Signing Authority: This document of the Department of Energy was signed on June 24, 2021, by Candice D. Palen, Information Collection Clearance Manager, Bonneville Power Administration, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on June 30, 2021.

Treena V. Garrett,

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

[FR Doc. 2021-14334 Filed 7-2-21; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

Advanced Scientific Computing Advisory Committee

AGENCY: Office of Science, Department of Energy.

ACTION: Notice of renewal.

SUMMARY: Pursuant to the Federal Advisory Committee Act, and in accordance with Title 41 of the Code of Federal Regulations, and following consultation with the Committee Management Secretariat, General Services Administration, notice is hereby given that the Advanced Scientific Computing Advisory Committee will be renewed for a two-year period beginning on June 28, 2021. The Committee will provide advice to the Director, Office of Science (DOE), on the Advanced Scientific Computing Research Program managed by the Office of Advanced Scientific Computing Research. Additionally, the renewal of the Advanced Scientific Computing Advisory Committee has been determined to be essential to the conduct of the Department of Energy business and to be in the public interest in connection with the performance of duties imposed upon the Department of Energy, by law and agreement. The Committee will operate in accordance with the provisions of the Federal Advisory Committee Act, adhering to the rules and regulations in implementation of that Act.

FOR FURTHER INFORMATION CONTACT: Christine Chalk at (301) 903-5152 or email: christine.chalk@science.doe.gov.

Signing Authority

This document of the Department of Energy was signed on June 29, 2021, by Miles Fernandez, Acting Committee Management Officer, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on June 30, 2021.

Treena V. Garrett,

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

[FR Doc. 2021-14274 Filed 7-2-21; 8:45 am]

BILLING CODE 6450-01-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPPT-2019-0578; FRL-10004-31]

Approvals and Denials of Test Marketing Exemptions for Certain New Chemicals Under TSCA

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This document provides notification of EPA's approvals and denials of applications for test marketing exemptions (TMEs) submitted under the Toxic Substances Control Act (TSCA) for certain new chemicals. The test marketing conditions are described in the TME applications and in this document.

FOR FURTHER INFORMATION CONTACT: For technical information contact: Meg Victor, New Chemicals Division (7405M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460-0001; telephone number: (202) 343-9193; email address: victor.meg@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 may be of interest to the chemical manufacturers and/or importers who submitted the TMEs to EPA and to the public in general. The Agency has not attempted to describe all the specific entities that may be affected by this action.

B. How can I get copies of this document and other related information?

The docket for this action, identified by docket identification (ID) number EPA-HQ-OPPT-2019-0578, is available at <http://www.regulations.gov> or at the Office of Pollution Prevention and Toxics Docket (OPPT Docket), Environmental Protection Agency Docket Center (EPA/DC), West William

Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the OPPT Docket is (202) 566-0280.

Please note that due to the public health emergency the EPA Docket Center (EPA/DC) and Reading Room was closed to public visitors on March 31, 2020. Our EPA/DC staff will continue to provide customer service via email, phone, and webform. For further information on EPA/DC services, docket contact information and the current status of the EPA/DC and Reading Room, please visit <https://www.epa.gov/dockets>.

II. What is the Agency's authority for taking this action?

TSCA section 5(h)(1) authorizes EPA to exempt persons from premanufacture notification (PMN) requirements and permit them to manufacture (which includes import) new chemicals for test marketing purposes, if the Agency finds that the manufacture, processing, distribution in commerce, use, and disposal of the chemicals for test marketing purposes will not present any unreasonable risk of injury to health or the environment, including an unreasonable risk to a potentially exposed or susceptible subpopulation identified by the Administrator for the specific conditions of use identified in the applications. The requirement to consider risks to a potentially exposed or susceptible subpopulation was added to TSCA section 5(h)(1) in 2016. EPA's regulations implementing TSCA section 5(h)(1) are found at 40 CFR 720.38.

TSCA section 5(h)(6) requires EPA to publish in the **Federal Register** notice of receipt of an application for a TME and of the disposition of the application. The implementing regulation (40 CFR 720.38(d)) indicates that EPA will publish a notice in the **Federal Register** explaining the reasons for approval or denial.

III. What action is the Agency taking?

EPA is publishing this document to announce TME approvals and denials. EPA determined that test marketing the new chemicals, under the conditions in the TME applications, will not present any unreasonable risk of injury to health or the environment; the Agency approved the TMEs listed in Unit IV. For those TMEs for which EPA made this approval after TSCA was amended in June 2016 by the Lautenberg Chemical Safety for the 21st Century

Act, EPA's determination included an assessment of unreasonable risk to a potentially exposed or susceptible subpopulation identified by the Agency for the specific conditions of use identified in the applications.

EPA has denied the following TMEs because EPA was unable to determine that test marketing the new chemicals, under the conditions in the TME applications will not present any unreasonable risk of injury to health or the environment. For those TMEs for which EPA made this denial after TSCA was amended in June 2016, EPA's determination included an assessment of unreasonable risk to a potentially exposed or susceptible subpopulation identified by the Agency for the specific conditions of use identified in the applications.

TME-13-0004

Date of Receipt: November 26, 2012.

Notice of Receipt: December 26, 2012 (77 FR 76029; FRL-9373-1).

TME-13-0091

Date of Receipt: August 22, 2013.

Notice of Receipt: June 9, 2014 (79 FR 32939; FRL-9910-70).

TME-16-0004

Date of Receipt: November 3, 2015.

Notice of Receipt: January 12, 2016 (81 FR 1415; FRL-9940-47).

TME-16-0005

Date of Receipt: November 3, 2015.

Notice of Receipt: January 12, 2016 (81 FR 1415; FRL-9940-47).

TME-16-0013

Date of Receipt: December 15, 2015.

Notice of Receipt: February 11, 2016 (81 FR 7337; FRL-9942-09).

TME-16-0014

Date of Receipt: December 15, 2015.

Notice of Receipt: February 11, 2016 (81 FR 7337; FRL-9942-09).

TME-16-0015

Date of Receipt: December 15, 2015.

Notice of Receipt: February 11, 2016 (81 FR 7337; FRL-9942-09).

TME-17-0002

Date of Receipt: November 17, 2016.

Notice of Receipt: N/A.

TME-17-0003

Date of Receipt: April 5, 2017.

Notice of Receipt: July 7, 2017 (82 FR 31598; FRL-9962-98).

TME-17-0004

Date of Receipt: April 5, 2017.

Notice of Receipt: July 7, 2017 (82 FR 31598; FRL-9962-98).

TME-17-0005

Date of Receipt: April 5, 2017.
Notice of Receipt: July 7, 2017 (82 FR 31598; FRL-9962-98).

TME-17-0006

Date of Receipt: April 5, 2017.
Notice of Receipt: July 7, 2017 (82 FR 31598; FRL-9962-98).

TME-17-0007

Date of Receipt: April 5, 2017.
Notice of Receipt: July 7, 2017 (82 FR 31598; FRL-9962-98).

TME-17-0008

Date of Receipt: April 5, 2017.
Notice of Receipt: July 7, 2017 (82 FR 31598; FRL-9962-98).

TME-17-0009

Date of Receipt: April 13, 2017.
Notice of Receipt: July 7, 2017 (82 FR 31598; FRL-9962-98).

TME-17-0010

Date of Receipt: April 13, 2017.
Notice of Receipt: July 7, 2017 (82 FR 31598; FRL-9962-98).

TME-17-0011

Date of Receipt: April 13, 2017.
Notice of Receipt: July 7, 2017 (82 FR 31598; FRL-9962-98).

TME-17-0012

Date of Receipt: April 19, 2017.
Notice of Receipt: July 7, 2017 (82 FR 31598; FRL-9962-98).

TME-17-0013

Date of Receipt: April 19, 2017.
Notice of Receipt: July 7, 2017 (82 FR 31598; FRL-9962-98).

TME-18-0002

Date of Receipt: January 26, 2018.
Notice of Receipt: May 24, 2018 (83 FR 24110; FRL-9977-48).

IV. What restrictions apply to the approved TMEs?

The test market time period, production volume, number of customers, and use must not exceed specifications in the applications. All other conditions and restrictions described in the applications and in this document must also be met.

TME-12-0009

Date of Receipt: April 18, 2012.
Notice of Receipt: N/A.
Applicant: CBI.
Chemical: (Generic) Alkyl thiol, manuf. of, by-products from, distn. lights.
Use: (Generic) Intermediate in the production of a commercial product.

Production Volume: CBI.
Number of Customers: CBI.
Test Marketing Period: CBI days, commencing on first day of commercial manufacture.

TME-12-0010

Date of Receipt: April 18, 2012.
Notice of Receipt: N/A.
Applicant: CBI.
Chemical: (Generic) alkyl thiol, manuf. of, by-products from, distn. lights.
Use: (Generic) Intermediate in the production of a commercial product.
Production Volume: CBI.
Number of Customers: CBI.
Test Marketing Period: CBI days, commencing on first day of commercial manufacture.

TME-12-0014

Date of Receipt: August 27, 2012.
Notice of Receipt: October 10, 2012 (77 FR 61600; FRL-9363-2).
Applicant: Cytec Industries, Inc.
Chemical: (Generic) Substituted heteromonocycle, polymer with substituted alkane and substituted alkanediol, alkanolic acid substituted ester and substituted heteromonocycle homopolymer.
Use: Coating resin.
Production Volume: CBI.
Number of Customers: CBI.
Test Marketing Period: Forty-five days, commencing on first day of commercial manufacture.

TME-13-0001

Date of Receipt: October 22, 2012.
Notice of Receipt: December 14, 2012 (77 FR 74473; FRL-9338-5).
Applicant: Cytec Industries, Inc.
Chemical: (Generic) Alkenoic acid, ester with alkylpolyol, polymer with disubstituted alkane.
Use: (Generic) Coating resin.
Production Volume: CBI.
Number of Customers: CBI.
Test Marketing Period: Forty-five days, commencing on first day of commercial manufacture.

TME-13-0002

Date of Receipt: November 1, 2012.
Notice of Receipt: December 26, 2012 (77 FR 76029; FRL-9373-1).
Applicant: Cytec Industries, Inc.
Chemical: (Generic) Alkenenitrile, polymer with alkadiene, substituted alkyl-terminated, polymers with substituted carbonomocycles, alkoxy-terminated-substituted alkyl-alkadiene polymer, substituted carbomonocycle and halogen substituted carbomonocycle.
Use: (Generic) Resin for non-dispersive use.

Production Volume: CBI.
Number of Customers: CBI.
Test Marketing Period: Forty-five days, commencing on first day of commercial manufacture.

TME-13-0003

Date of Receipt: November 12, 2012.
Notice of Receipt: December 26, 2012 (77 FR 76029; FRL-9373-1).
Applicant: Cytec Industries, Inc.
Chemical: (Generic) Alkenoic acid, reaction product with alkylpolyol, polymers with substituted heteromonocycle.
Use: (Generic) Coating resin.
Production Volume: CBI.
Number of Customers: CBI.
Test Marketing Period: Forty-five days, commencing on first day of commercial manufacture.

TME-13-0007

Date of Receipt: January 31, 2013.
Notice of Receipt: March 22, 2013 (78 FR 17656; FRL-9380-1).
Applicant: H.B. Fuller Company.
Chemical: (Generic) Fatty acids, C18-unsatd., dimers, polymers with alkane acid, 1,6-hexanediol, 1,1'-methylenebis[4-isocyanatobenzene] and neopentyl glycol.
Use: (Generic) Industrial adhesive.
Production Volume: CBI.
Number of Customers: CBI.
Test Marketing Period: CBI days, commencing on first day of commercial manufacture.

TME-13-0008

Date of Receipt: February 19, 2013.
Notice of Receipt: May 15, 2013 (78 FR 28586; FRL-9383-9).
Applicant: Cytec Industries, Inc.
Chemical: (Generic) Alkenoic acid, polymer with alkadiene and alkenenitrile, substituted alkyl-terminated, polymers with substituted carbonomocycles, alkoxy-terminated-substituted alkyl-alkadiene polymer, substituted carbomonocycle and halogen substituted carbomonocycle.
Use: (Generic) Resin for non-dispersive uses.

Production Volume: CBI.
Number of Customers: CBI.
Test Marketing Period: Forty-five days, commencing on first day of commercial manufacture.

TME-13-0009

Date of Receipt: February 19, 2013.
Notice of Receipt: May 15, 2013 (78 FR 28586; FRL-9383-9).
Applicant: CBI.
Chemical: (Generic) Furandione derivative reaction products.
Use: (Generic) Production aid in refinery operations.

Production Volume: CBI.
Number of Customers: CBI.
Test Marketing Period: CBI days, commencing on first day of commercial manufacture.

TME-13-0010

Date of Receipt: May 6, 2013.
Notice of Receipt: June 9, 2014 (79 FR 32939; FRL-9910-70).
Applicant: CBI.
Chemical: (Generic) Alpha-olefins, polymers with maleic anhydride, alkyl esters.

Use: (Generic) Crude oil additive.
Production Volume: CBI.
Number of Customers: CBI.
Test Marketing Period: CBI days, commencing on first day of commercial manufacture.

TME-13-0053

Date of Receipt: August 14, 2013.
Notice of Receipt: June 9, 2014 (79 FR 32939; FRL-9910-70).
Applicant: CBI.
Chemical: (Generic) Amine capped fatty acid dimer polyamide.

Use: (Generic) Component in drilling fluids; (Generic) Component in resin coatings.

Production Volume: CBI.
Number of Customers: CBI.
Test Marketing Period: CBI days, commencing on first day of commercial manufacture.

TME-13-0054

Date of Receipt: August 7, 2013.
Notice of Receipt: June 9, 2014 (79 FR 32939; FRL-9910-70).
Applicant: CBI.
Chemical: (Generic) Cycloalkylamino oleylalkyl alkylamide acid salt.

Use: (Generic) Inhibitor for oil field applications.
Production Volume: CBI.
Number of Customers: CBI.
Test Marketing Period: CBI days, commencing on first day of commercial manufacture.

TME-13-0055

Date of Receipt: August 7, 2013.
Notice of Receipt: June 9, 2014 (79 FR 32939; FRL-9910-70).
Applicant: CBI.
Chemical: (Generic) Cycloalkylamino oleylalkyl alkylamide acid salt.

Use: (Generic) Inhibitor for oil field applications.
Production Volume: CBI.
Number of Customers: CBI.
Test Marketing Period: CBI days, commencing on first day of commercial manufacture.

TME-13-0056

Date of Receipt: August 7, 2013.

Notice of Receipt: June 9, 2014 (79 FR 32939; FRL-9910-70).

Applicant: CBI.

Chemical: (Generic) Cycloalkylamino oleylalkyl alkylamide acid salt.

Use: (Generic) Inhibitor for oil field applications.

Production Volume: CBI.

Number of Customers: CBI.

Test Marketing Period: CBI days, commencing on first day of commercial manufacture.

TME-13-0057

Date of Receipt: August 7, 2013.

Notice of Receipt: June 9, 2014 (79 FR 32939; FRL-9910-70).

Applicant: CBI.

Chemical: (Generic) Cycloalkylamino oleylalkyl alkylamide acid salt.

Use: (Generic) Inhibitor for oil field applications.

Production Volume: CBI.

Number of Customers: CBI.

Test Marketing Period: CBI days, commencing on first day of commercial manufacture.

TME-13-0058

Date of Receipt: August 7, 2013.

Notice of Receipt: June 9, 2014 (79 FR 32939; FRL-9910-70).

Applicant: CBI.

Chemical: (Generic) Cycloalkylamino oleylalkyl alkylamide acid salt.

Use: (Generic) Inhibitor for oil field applications.

Production Volume: CBI.

Number of Customers: CBI.

Test Marketing Period: CBI days, commencing on first day of commercial manufacture.

TME-13-0059

Date of Receipt: August 7, 2013.

Notice of Receipt: June 9, 2014 (79 FR 32939; FRL-9910-70).

Applicant: CBI.

Chemical: (Generic) Cycloalkylamino oleylalkyl alkylamide acid salt.

Use: (Generic) Inhibitor for oil field applications.

Production Volume: CBI.

Number of Customers: CBI.

Test Marketing Period: CBI days, commencing on first day of commercial manufacture.

TME-13-0060

Date of Receipt: August 12, 2013.

Notice of Receipt: June 9, 2014 (79 FR 32939; FRL-9910-70).

Applicant: CBI.

Chemical: (Generic) Cycloalkylamino cocoalkyl alkylamide acid salt.

Use: (Generic) Inhibitor for oil field applications.

Production Volume: CBI.

Number of Customers: CBI.

Test Marketing Period: CBI days, commencing on first day of commercial manufacture.

TME-13-0061

Date of Receipt: August 12, 2013.

Notice of Receipt: June 9, 2014 (79 FR 32939; FRL-9910-70).

Applicant: CBI.

Chemical: (Generic) Cycloalkylamino cocoalkyl alkylamide acid salt.

Use: (Generic) Inhibitor for oil field applications.

Production Volume: CBI.

Number of Customers: CBI.

Test Marketing Period: CBI days, commencing on first day of commercial manufacture.

TME-13-0062

Date of Receipt: August 12, 2013.

Notice of Receipt: June 9, 2014 (79 FR 32939; FRL-9910-70).

Applicant: CBI.

Chemical: (Generic) Cycloalkylamino cocoalkyl alkylamide acid salt.

Use: (Generic) Inhibitor for oil field applications.

Production Volume: CBI.

Number of Customers: CBI.

Test Marketing Period: CBI days, commencing on first day of commercial manufacture.

TME-13-0063

Date of Receipt: August 12, 2013.

Notice of Receipt: June 9, 2014 (79 FR 32939; FRL-9910-70).

Applicant: CBI.

Chemical: (Generic) Cycloalkylamino cocoalkyl alkylamide acid salt.

Use: (Generic) Inhibitor for oil field applications.

Production Volume: CBI.

Number of Customers: CBI.

Test Marketing Period: CBI days, commencing on first day of commercial manufacture.

TME-13-0064

Date of Receipt: August 12, 2013.

Notice of Receipt: June 9, 2014 (79 FR 32939; FRL-9910-70).

Applicant: CBI.

Chemical: (Generic) Cycloalkylamino cocoalkyl alkylamide acid salt.

Use: (Generic) Inhibitor for oil field applications.

Production Volume: CBI.

Number of Customers: CBI.

Test Marketing Period: CBI days, commencing on first day of commercial manufacture.

TME-13-0065

Date of Receipt: August 12, 2013.

Notice of Receipt: June 9, 2014 (79 FR 32939; FRL-9910-70).

Applicant: CBI.

Chemical: (Generic) Cycloalkylamino cocoalkyl alkylamide acid salt.
Use: (Generic) Inhibitor for oil field applications.

Production Volume: CBI.
Number of Customers: CBI.
Test Marketing Period: CBI days, commencing on first day of commercial manufacture.

TME-14-0002

Date of Receipt: January 10, 2014.
Notice of Receipt: June 9, 2014 (79 FR 32939; FRL-9910-70).

Applicant: CBI.
Chemical: (Generic) Modified essential oil.

Use: (Generic) Highly dispersive use.
Production Volume: CBI.
Number of Customers: CBI.
Test Marketing Period: CBI days, commencing on first day of commercial manufacture.

TME-14-0003

Date of Receipt: March 7, 2014.
Notice of Receipt: June 9, 2014 (79 FR 32939; FRL-9910-70).

Applicant: CBI.
Chemical: (Generic) Substituted acid, electrophilic aromatic substitution products.

Use: (Generic) Foam suppressant.
Production Volume: CBI.
Number of Customers: CBI.
Test Marketing Period: CBI days, commencing on first day of commercial manufacture.

TME-14-0004

Date of Receipt: July 3, 2014.
Notice of Receipt: N/A.
Applicant: Clean Chemistry.
Chemical: (Generic) Organic peroxide.
Use: Water clarifying agent, odor control agent, bleaching agent, and general oxidant for water treatment; (Generic) Destructive use in fuel production.

Production Volume: CBI.
Number of Customers: Six.
Test Marketing Period: CBI days, commencing on first day of commercial manufacture.

TME-15-0001

Date of Receipt: November 21, 2014.
Notice of Receipt: N/A.
Applicant: Industrial Specialty Chemicals.

Chemical: CBI.
Use: Paint detackification.
Production Volume: CBI.
Number of Customers: CBI.
Test Marketing Period: CBI days, commencing on first day of commercial manufacture.

TME-15-0004

Date of Receipt: January 8, 2015.

Notice of Receipt: March 19, 2015 (80 FR 14374; FRL-9924-61).

Applicant: CBI.
Chemical: (Generic) Alkylaminopropanamide, N-[dialkylamino-propyl], salt.
Use: (Generic) Oil production.
Production Volume: CBI.
Number of Customers: CBI.
Test Marketing Period: CBI days, commencing on first day of commercial manufacture.

TME-15-0005

Date of Receipt: January 8, 2015.
Notice of Receipt: March 19, 2015 (80 FR 14374; FRL-9924-61).

Applicant: CBI.
Chemical: (Generic) Alkylaminopropanamide, N-[dialkylamino-propyl], salt.
Use: (Generic) Oil production.
Production Volume: CBI.
Number of Customers: CBI.
Test Marketing Period: CBI days, commencing on first day of commercial manufacture.

TME-15-0006

Date of Receipt: January 8, 2015.
Notice of Receipt: March 19, 2015 (80 FR 14374; FRL-9924-61).

Applicant: CBI.
Chemical: (Generic) Alkylaminopropanamide, N-[dialkylamino-propyl], salt.
Use: (Generic) Oil production.
Production Volume: CBI.
Number of Customers: CBI.
Test Marketing Period: CBI days, commencing on first day of commercial manufacture.

TME-15-0007

Date of Receipt: January 8, 2015.
Notice of Receipt: March 19, 2015 (80 FR 14374; FRL-9924-61).

Applicant: CBI.
Chemical: (Generic) Alkylaminopropanamide, N-[dialkylamino-propyl], salt.
Use: (Generic) Oil production.
Production Volume: CBI.
Number of Customers: CBI.
Test Marketing Period: CBI days, commencing on first day of commercial manufacture.

TME-15-0008

Date of Receipt: March 20, 2015.
Notice of Receipt: April 22, 2015 (80 FR 22512; FRL-9926-36).

Applicant: CBI.
Chemical: (Generic) Alkyl substituted cresol.
Use: (Generic) Intermediate.
Production Volume: CBI.
Number of Customers: CBI.
Test Marketing Period: CBI days, commencing on first day of commercial manufacture.

TME-15-0011

Date of Receipt: June 24, 2015.
Notice of Receipt: August 14, 2015 (80 FR 48855; FRL-9931-82).

Applicant: CBI.
Chemical: (Generic) Dialkylamino alkylamide salt.
Use: (Generic) Oil production.
Production Volume: CBI.
Number of Customers: CBI.
Test Marketing Period: CBI days, commencing on first day of commercial manufacture.

TME-15-0012

Date of Receipt: June 24, 2015.
Notice of Receipt: August 14, 2015 (80 FR 48855; FRL-9931-82).

Applicant: CBI.
Chemical: (Generic) Dialkylamino alkylamide salt.
Use: (Generic) Oil production.
Production Volume: CBI.
Number of Customers: CBI.
Test Marketing Period: CBI days, commencing on first day of commercial manufacture.

TME-15-0013

Date of Receipt: June 24, 2015.
Notice of Receipt: August 14, 2015 (80 FR 48855; FRL-9931-82).

Applicant: CBI.
Chemical: (Generic) Dialkylamino alkylamide salt.
Use: (Generic) Oil production.
Production Volume: CBI.
Number of Customers: CBI.
Test Marketing Period: CBI days, commencing on first day of commercial manufacture.

TME-15-0014

Date of Receipt: June 24, 2015.
Notice of Receipt: August 14, 2015 (80 FR 48855; FRL-9931-82).

Applicant: CBI.
Chemical: (Generic) Dialkylamino alkylamide salt.
Use: (Generic) Oil production.
Production Volume: CBI.
Number of Customers: CBI.
Test Marketing Period: CBI days, commencing on first day of commercial manufacture.

TME-16-0001

Date of Receipt: November 2, 2015.
Notice of Receipt: January 12, 2016 (81 FR 1415; FRL-9940-47).

Applicant: CBI.
Chemical: (Generic) Dialkylamino alkylamide salt.
Use: (Generic) Oil production.
Production Volume: CBI.
Number of Customers: CBI.
Test Marketing Period: CBI days, commencing on first day of commercial manufacture.

TME-16-0002

Date of Receipt: November 2, 2015.
Notice of Receipt: January 12, 2016 (81 FR 1415; FRL-9940-47).
Applicant: CBI.
Chemical: (Generic) Dialkylamino alkylamide salt.
Use: (Generic) Oil production.
Production Volume: CBI.
Number of Customers: CBI.
Test Marketing Period: CBI days, commencing on first day of commercial manufacture.

TME-16-0003

Date of Receipt: November 3, 2015.
Notice of Receipt: January 12, 2016 (81 FR 1415; FRL-9940-47).
Applicant: CBI.
Chemical: (Generic) Beta amino fatty ester.
Use: Chemical Intermediate.
Production Volume: CBI.
Number of Customers: CBI.
Test Marketing Period: CBI days, commencing on first day of commercial manufacture.

TME-16-0006

Date of Receipt: November 3, 2015.
Notice of Receipt: January 12, 2016 (81 FR 1415; FRL-9940-47).
Applicant: CBI.
Chemical: (Generic) Dialkylamino alkylamide.
Use: Chemical Intermediate.
Production Volume: CBI.
Number of Customers: CBI.
Test Marketing Period: CBI days, commencing on first day of commercial manufacture.

TME-16-0007

Date of Receipt: November 10, 2015.
Notice of Receipt: N/A.
Applicant: CBI.
Chemical: (Generic) Poly alkylimidazoline.
Use: (Generic) Emulsifier.
Production Volume: CBI.
Number of Customers: CBI.
Test Marketing Period: CBI days, commencing on first day of commercial manufacture.

TME-16-0008

Date of Receipt: November 10, 2015.
Notice of Receipt: N/A.
Applicant: CBI.
Chemical: (Generic) Poly alkylimidazoline.
Use: (Generic) Emulsifier.
Production Volume: CBI.
Number of Customers: CBI.
Test Marketing Period: CBI days, commencing on first day of commercial manufacture.

TME-16-0009

Date of Receipt: November 10, 2015.

Notice of Receipt: N/A.
Applicant: CBI.
Chemical: (Generic) Poly alkylimidazoline.
Use: (Generic) Emulsifier.
Production Volume: CBI.
Number of Customers: CBI.
Test Marketing Period: CBI days, commencing on first day of commercial manufacture.

TME-16-0010

Date of Receipt: November 10, 2015.
Notice of Receipt: N/A.
Applicant: CBI.
Chemical: (Generic) Poly alkylimidazoline.
Use: (Generic) Emulsifier.
Production Volume: CBI.
Number of Customers: CBI.
Test Marketing Period: CBI days, commencing on first day of commercial manufacture.

TME-16-0011

Date of Receipt: November 10, 2015.
Notice of Receipt: N/A.
Applicant: CBI.
Chemical: (Generic) Poly alkylimidazoline.
Use: (Generic) Emulsifier.
Production Volume: CBI.
Number of Customers: CBI.
Test Marketing Period: CBI days, commencing on first day of commercial manufacture.

TME-16-0012

Date of Receipt: November 10, 2015.
Notice of Receipt: N/A.
Applicant: CBI.
Chemical: (Generic) Poly alkylimidazoline.
Use: (Generic) Emulsifier.
Production Volume: CBI.
Number of Customers: CBI.
Test Marketing Period: CBI days, commencing on first day of commercial manufacture.

TME-16-0016

Date of Receipt: December 16, 2015.
Notice of Receipt: February 11, 2016 (81 FR 7337; FRL-9942-09).
Applicant: CBI.
Chemical: (Generic) Dialkylamino alkylamide inner salt.
Use: (Generic) Oil production.
Production Volume: CBI.
Number of Customers: CBI.
Test Marketing Period: CBI days, commencing on first day of commercial manufacture.

TME-16-0017

Date of Receipt: May 25, 2016.
Notice of Receipt: July 29, 2016 (81 FR 49976; FRL-9949-63) and September 6, 2017 (82 FR 42088; FRL-9965-05).

Applicant: CBI.
Chemical: (Generic) Modified vegetable oil.
Use: (Generic) Wax.
Production Volume: CBI.
Number of Customers: CBI.
Test Marketing Period: CBI days, commencing on first day of commercial manufacture.

TME-18-0001

Date of Receipt: November 16, 2017.
Notice of Receipt: May 22, 2018 (83 FR 23671; FRL-9972-08).
Applicant: CBI.
Chemical: (Generic) Renewable naphtha.
Use: Component in automotive gasoline/transportation fuel for consumer use.
Production Volume: CBI.
Number of Customers: CBI.
Test Marketing Period: CBI days, commencing on first day of commercial manufacture.

TME-18-0003

Date of Receipt: July 17, 2018.
Notice of Receipt: October 22, 2018 (83 FR 53241; FRL-9985-20).
Applicant: CBI.
Chemical: (Generic) Alkylated diphenylamines, homopolymers.
Use: (Generic) Additive.
Production Volume: CBI.
Number of Customers: CBI.
Test Marketing Period: CBI days, commencing on first day of commercial manufacture.

EPA may impose restrictions considered appropriate by the Agency on test marketing activities and may modify or revoke this test marketing exemption upon receipt of any information that indicates the test marketing activity may present an unreasonable risk of injury to health and the environment. The following additional restrictions apply to these TMEs: A bill of lading accompanying each shipment must state that the use of the chemical is restricted to that approved in the TME. In addition, the applicant shall maintain the following records for 5 years after the date they are created, and shall make them available for inspection or copying in accordance with TSCA section 11:

1. Records of the quantity of the TME chemical produced and the date of manufacture.
2. Records of dates of the shipments to each customer and the quantities supplied in each shipment.
3. Copies of the bill of lading that accompanies each shipment of the TME chemical.

V. What was EPA's risk assessment for these approved TMEs?

EPA did not identify unreasonable health or environmental risks for the test market chemicals under the intended conditions of use described in the TME applications. Therefore, the test market activities will not present any unreasonable risk of injury to human health or the environment, including an unreasonable risk to a potentially exposed or susceptible subpopulation identified by the Administrator for the specific conditions of use identified in the applications.

VI. Can EPA change its decision on these approved TMEs in the future?

The Agency reserves the right to rescind approval or modify the conditions and restrictions of an exemption upon the receipt or evaluation of any information, new or existing, that indicates the test marketing activities may present an unreasonable risk of injury to human health or the environment.

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. 2021-14259 Filed 7-2-21; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-10025-58-OP]

Request for Nominations for the Science Advisory Board 2021 Scientific and Technological Achievement Awards Panel

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) Science Advisory Board (SAB) Staff Office requests public nominations of scientific experts to form the SAB 2021 Scientific and Technological Achievement Awards (STAA) Panel.

DATES: Nominations should be submitted by July 27, 2021 per the instructions below.

FOR FURTHER INFORMATION CONTACT: Any member of the public wishing further information regarding this notice and request for nominations may contact Dr. Holly Stallworth, Designated Federal Officer (DFO), EPA Science Advisory Board Staff Office by telephone/voice

mail (202) 564-2073 or email at stallworth.holly@epa.gov. General information concerning the EPA SAB can be found at the EPA SAB website at <http://www.epa.gov/sab>.

SUPPLEMENTARY INFORMATION:

Background: The SAB (42 U.S.C. 4365) is a chartered Federal Advisory Committee that provides independent scientific and technical peer review, advice, and recommendations to the EPA Administrator on the technical basis for EPA actions. As a Federal Advisory Committee, the SAB conducts business in accordance with the Federal Advisory Committee Act (FACA) (5 U.S.C. app. 2) and related regulations. The SAB Staff Office is forming the 2021 STAA Panel, under the auspices of the Chartered SAB. The 2021 STAA Panel will provide advice through the chartered SAB. The SAB and the 2021 STAA Panel will comply with the provisions of FACA and all appropriate SAB Staff Office procedural policies.

The EPA established the STAA in 1980 to recognize Agency scientists and engineers who published their work in the peer-reviewed literature. The STAA Program is an agency-wide competition to promote and recognize scientific and technological achievements by EPA employees. The STAA program is administered and managed by the EPA's Office of Research and Development (ORD). Each year the SAB has been asked to review the EPA's STAA nominations and make recommendations to the Administrator for monetary awards.

Request for Nominations: The SAB Staff Office is seeking nominations of nationally and internationally recognized scientists with demonstrated expertise in the following disciplines as they relate to human health and the environment: *Air pollution exposure; chemical engineering; civil and environmental engineering; decision science; ecology; environmental economics; groundwater and surface water contaminant fate and transport; human health effects and risk assessment; monitoring and measurement methods for air and water; risk management; transport and fate of contaminants; water quality; and water and wastewater treatment processes.* The SAB Staff Office is especially interested in scientists and engineers with expertise described above who have knowledge and experience in *air quality; aquatic and ecological toxicology; chemical safety; community environmental health; dosimetry and inhalation toxicology; drinking water; ecological modeling; ecological risk assessment; ecosystem restoration;*

ecosystem services; energy and the environment; epidemiology; green chemistry; homeland security; human health dosimetry; mechanisms of toxicity and carcinogenicity; metabolism; statistics; sustainability; toxicokinetics; toxicology; waste and waste management; and water re-use.

Process and Deadline for Submitting Nominations: Any interested person or organization may nominate qualified individuals in the areas of expertise described above for possible service on the 2021 STAA Committee. Individuals may self-nominate. Nominations should be submitted in electronic format (preferred) following the instructions for "Nominating Experts to Advisory Panels and Ad Hoc Committees Being Formed," provided on the SAB website (see the "Nomination of Experts" link under "Current Activities" at <http://www.epa.gov/sab>). To be considered, nominations should include the information requested below. EPA values and welcomes diversity. All qualified candidates are encouraged to apply regardless of sex, race, disability or ethnicity. Nominations should be submitted in time to arrive no later than July 27, 2021.

The following information should be provided on the nomination form: Contact information for the person making the nomination; contact information for the nominee; and the disciplinary and specific areas of expertise of the nominee. Nominees will be contacted by the SAB Staff Office and will be asked to provide a recent curriculum vitae and a narrative biographical summary that includes: Current position, educational background; research activities; sources of research funding for the last two years; and recent service on other national advisory committees or national professional organizations. Persons having questions about the nomination procedures, or who are unable to submit nominations through the SAB website, should contact the DFO at the contact information noted above. The names and biosketches of qualified nominees identified by respondents to this **Federal Register** notice, and additional experts identified by the SAB Staff Office, will be posted in a List of Candidates on the SAB website at <http://www.epa.gov/sab>. Public comments on the List of Candidates will be accepted for 21 days. The public will be requested to provide relevant information or other documentation on nominees that the SAB Staff Office should consider in evaluating candidates.

For the EPA SAB Staff Office a balanced review committee includes

candidates who possess the necessary domains of knowledge, the relevant scientific perspectives (which, among other factors, can be influenced by work history and affiliation), and the collective breadth of experience to adequately address the charge. In forming the 2021 STAA Panel, the SAB Staff Office will consider public comments on the Lists of Candidates, information provided by the candidates themselves, and background information independently gathered by the SAB Staff Office. Selection criteria to be used for committee membership include: (a) Scientific and/or technical expertise, knowledge, and experience (primary factors); (b) availability and willingness to serve; (c) absence of financial conflicts of interest; (d) absence of an appearance of a loss of impartiality; (e) skills working in committees, subcommittees and advisory panels; and, (f) for the committee as a whole, diversity of expertise and scientific points of view.

The SAB Staff Office's evaluation of an absence of financial conflicts of interest will include a review of the "Confidential Financial Disclosure Form for Environmental Protection Agency Special Government Employees" (EPA Form 3110-48). This confidential form is required and allows government officials to determine whether there is a statutory conflict between a person's public responsibilities (which include membership on an EPA federal advisory committee) and private interests and activities, or the appearance of a loss of impartiality, as defined by federal regulation. The form may be viewed and downloaded through the "Ethics Requirements for Advisors" link on the SAB website at <http://www.epa.gov/sab>. This form should not be submitted as part of a nomination.

The approved policy under which the EPA SAB Office selects members for subcommittees and review panels is described in the following document: *Overview of the Panel Formation Process at the Environmental Protection Agency Science Advisory Board* (EPA-SAB-EC-02-010), which is posted on the SAB website at <http://www.epa.gov/sab>.

V. Khanna Johnston,

Deputy Director, Science Advisory Board Staff Office.

[FR Doc. 2021-14285 Filed 7-2-21; 8:45 am]

BILLING CODE 6560-50-P

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Agency Information Collection Activities: Comment Request

AGENCY: Equal Employment Opportunity Commission.

ACTION: Final notice of information collection—uniform guidelines on employee selection procedures—extension without change.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Equal Employment Opportunity Commission gives notice that it has submitted the information described below to the Office of Management and Budget (OMB) for a three-year extension without change.

DATES: Written comments on this notice must be submitted on or before August 5, 2021.

ADDRESSES: Written comments should be sent within 30 days of publication of this final 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: Kathleen Oram, Assistant Legal Counsel, at (202) 921-2665 or kathleen.oram@eeoc.gov, or Savannah Marion Felton, Senior Attorney, at (202) 921-2671 or savannah.felton@eeoc.gov. Requests for this notice in an alternative format should be made to the Office of Communications and Legislative Affairs at (202) 663-4191 (voice) or 1-800-669-6820 (TTY).

Overview of This Information Collection

Collection Title: Recordkeeping Requirements of the Uniform Guidelines on Employee Selection Procedures, 29 CFR part 1607, 41 CFR part 60-3, 28 CFR part 50, 5 CFR part 300.

OMB Number: 3046-0017.

Type of Respondent: Businesses or other institutions; Federal Government; State or local governments and farms.

North American Industry Classification System (NAICS) Code: Multiple.

Standard Industrial Classification Code (SIC): Multiple.

Description of Affected Public: Any employer, Government contractor, labor organization, or employment agency covered by the Federal equal employment opportunity laws.

Respondents: 957,005.

Responses¹: 957,005.

Recordkeeping Hours: 16,578,127 per year.

Number of Forms: None.

Form Number: None.

Frequency of Report: None.

Abstract: The Uniform Guidelines on Employee Selection Procedures (UGESP) provide fundamental guidance for all Title VII-covered employers about the use of employment selection procedures. The records addressed by UGESP are used by respondents to ensure that they are complying with Title VII and Executive Order 11246. While there is no data available to quantify these benefits, the collection of accurate applicant flow data enhances each employer's ability to address any deficiencies in recruitment and selection processes, including detecting barriers to equal employment opportunity.

On April 26, 2021, the Commission published a 60-Day Notice informing the public of its intent to request an extension without change of the information collection requirements from the Office of Management and Budget, and providing its PRA burden analysis for UGESP. 86 FR 22049 (April 26, 2021). The Commission received one comment in response to the 60-Day Notice. This comment notes that UGESP, since its 1978 adoption, has used the verb "should" to characterize employers' duties to collect and maintain information and to analyze the validity of employment selection procedures or tests. The comment appears to be arguing against construing "should" to mean "must" by commenting that, if EEOC in fact did construe "should" to mean "must," then EEOC's PRA burden calculation in the 60-Day Notice would be too low to cover all the activities enumerated in UGESP.

EEOC does not express a view here on the meaning of the term "should" in UGESP except to refer readers to the subsection of UGESP's Definitions section that explains how to interpret the word "'should' as used in these guidelines." See 29 CFR 1607.16 S. (Definitions. *Should*).

From the PRA perspective, EEOC correctly construes the PRA burden analysis requirements. For purposes of calculating the PRA burden of a federal "collection of information" like UGESP, the phrase "collection of information" focuses on "the act of collecting . . . information." 5 CFR 1620.3(c). The PRA analysis of burden, in turn, refers to a calculation of the time and cost used by the regulated entity to engage in the act of collecting and maintaining the specified information. *Id.* at 1620.3(b)(1). EEOC's 60-Day PRA

¹ The number of respondents is equal to the number of responses (*i.e.*, one response per person).

burden analysis correctly and appropriately accounts for the burden on regulated entities of collecting and maintaining applicant flow data under UGESP.

Burden Statement: There are no reporting requirements associated with UGESP. The burden being estimated is the cost of collecting and storing a job applicant's gender, race, and ethnicity data.

The only paperwork burden derives from this recordkeeping. Only employers covered under Title VII and Executive Order 11246 are subject to UGESP. However, for the purposes of burden calculation, data for all employers are counted.² The number of employers with 15 or more employees is estimated at 957,005 which combines estimates from private employment,³ the public sector,⁴ and referral unions.⁵ Employers with 15 or more employees represent approximately 15.3% of all employers in the U.S. and employ about 87.7% of all employees in the U.S.⁶

This burden assessment is based on an estimate of the number of job applications submitted to all employers in one year, including paper-based and electronic applications. The total number of job applications submitted every year to covered employers is estimated to be 1,989,375,182, based on an average of approximately 29 applications⁷ for every hire and a Bureau of Labor Statistics data estimate of 68,594,000 annual hires.⁸ This figure

²In calculating burden, data from multiple sources are used. Some of these sources do not allow us to identify only those employers who are covered by Title VII (employers with 15 or more employees).

³Source of original data: 2017 Economic Census. (<https://www.census.gov/content/census/en/data/datasets/2017/econ/subs/2017-susb.html>). Local Downloadable CSV data. *Select U.S. & states, 6 digit NAICS. The original number of employers was adjusted to only include those with 15 or more employees.*

⁴Source of original data: 2017 Census of Governments: Employment. Individual Government Data File (<https://www.census.gov/data/tables/2017/econ/apes/annual-apes.html/>), Local Downloadable Data zip file "individual files". The original number of government entities was adjusted to only include those with 15 or more employees.

⁵EEO-3 Reports filed by referral unions in 2018 with EEOC.

⁶Source of original data: 2017 Economic Census, (<https://www.census.gov/content/census/en/data/datasets/2017/econ/subs/2017-susb.html>). Local Downloadable CSV data. *Select U.S. & states, 6 digit NAICS*; 2017 Census of Governments (<https://www.census.gov/data/tables/2017/econ/apes/annual-apes>).

⁷The average number of applications received per job opening in 2018, according to the private career advice website Zety. (<https://zety.com/blog/hr-statistics>).

⁸Bureau of Labor Statistics Job Openings and Labor Turnover Survey, 2018 annual level data (Not seasonally adjusted), (<http://www.bls.gov/jlt/>

also includes 149,182 applicants for union membership reported on the EEO-3 form for 2018.

The employer burden associated with collecting and storing applicant demographic data is based on the following assumptions: Applicants would need to be asked to provide three pieces of information—sex, race/ethnicity, and an identification number (a total of approximately 13 keystrokes); the employer may need to transfer information received to a database either manually or electronically (although we believe it likely that many employers utilize HR software that handles employment applications as well as the rest of the employers HR needs); and the employer would need to store the 13 characters of information for each applicant. Recordkeeping costs and burden are assumed to be the time cost associated with entering 13 keystrokes.

Assuming that the required recordkeeping takes 30 seconds per record, and assuming a total of 1,989,375,182 paper and electronic applications per year (as calculated above), the resulting UGESP burden hours would be 16,578,127. Based on a wage rate of \$17.44⁹ per hour for the individuals entering the data, the collection and storage of applicant demographic data would come to approximately \$289,122,526 per year. We expect that the foregoing assumptions are over-inclusive, because many employers have electronic job application processes that should be able to capture applicant flow data automatically.

While the burden hours and costs for the UGESP recordkeeping requirement seem very large, the average burden per employer is relatively small. We estimate that UGESP applies to 957,005 employers, which is about 15.3% of all employers in the U.S. and who employ about 87.7% of all employees in the U.S (86.5% of private employees and 95.9% of government employees)¹⁰. Therefore, the estimated cost per covered employer

data.htm) is the source of the original data. The BLS figure includes new hires in both the public and the private sectors across all employer sizes.

⁹Based on the 10th percentile hourly wage for Human Resources Specialist in 2018 (<https://www.bls.gov/oes/2018/may/oes131071.htm>). The 10th percentile is slightly lower than the average salary for an entry-level Human Resources Specialist (<https://www.ziprecruiter.com/Salaries/Entry-Level-Human-Resources-Specialist-Salary>).

¹⁰Source for private employees: 2017 Economic Census. (<https://www.census.gov/content/census/en/data/datasets/2017/econ/subs/2017-susb.html>). Local Downloadable CSV data. *Select U.S. & states, 6 digit NAICS. Source for public employees: 2017 Census of Governments* (<https://www.census.gov/data/tables/2017/econ/apes/annual-apes>).

is about \$263.¹¹ Additionally, 35.0% of employees work for firms with at least 5,000 employees,¹² and it is likely the burden of entry for these firms is transferred to the applicants via use of electronic application systems. UGESP also allows for simplified recordkeeping for employers with more than 15 but less than 100 employees.¹³

For the Commission.

Dated: June 30, 2021.

Charlotte A. Burrows,
Chair.

[FR Doc. 2021-14350 Filed 7-2-21; 8:45 am]

BILLING CODE 6570-01-P

FEDERAL COMMUNICATIONS COMMISSION

[FRS 33694]

Radio Broadcasting Services; AM or FM Proposals To Change the Community of License

AGENCY: Federal Communications Commission.

ACTION: Notice.

DATES: The agency must receive comments on or before September 7, 2021.

ADDRESSES: Federal Communications Commission, 45 L Street NE, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Rolanda F. Smith, 202-418-2054.

SUPPLEMENTARY INFORMATION: The following applicants filed AM or FM proposals to change the community of license: GEORGIA-CAROLINA RADIOCASTING COMPANY, LLC,

¹¹This assumes that the new hires in 2018 were distributed equally across firm and agency sizes. In 2018, 64,286,000 new hires were in the private sector 86.5% of which would be 55,575,000 new hires estimated for firms with at least 15 employees. Similarly, 4,310,000 new hires were in the public sector. 95.9% of which would be 4,133,000 new hires into governments with at least 15 employees. This totals approximately 59,708,000 new hires in Title VII locations. The remainder of the burden hour calculations remain the same.

¹²Source for private employees: 2017 Economic Census. (<https://www.census.gov/content/census/en/data/datasets/2017/econ/subs/2017-susb.html>).

¹³See 29 CFR 1607.15A(1): *Simplified recordkeeping for users with less than 100 employees.* In order to minimize recordkeeping burdens on employers who employ one hundred (100) or fewer employees, and other users not required to file EEO-1, *et seq.*, reports, such users may satisfy the requirements of this section 15 if they maintain and have available records showing, for each year: (a) The number of persons hired, promoted, and terminated for each job, by sex, and where appropriate by race and national origin; (b) The number of applicants for hire and promotion by sex and where appropriate by race and national origin; and (c) The selection procedures utilized (either standardized or not standardized).

WHTD(AM), Fac. ID No. 54562, From ELBERTON, GA, To CLAYTON, GA, File No. BP-20200728AAE; NELSON MULTIMEDIA, INC, WDYS(AM), Fac. ID No. 69700, From GENEVA, IL, To SOMONAU, IL, File No. BMP-20210524AAJ; BRANTLEY BROADCAST ASSOCIATES LLC, WWTM(AM), Fac. ID No. 54328, From DECATUR, AL, To MOORESVILLE, AL, File No. BP-20210505AAG; ZIMMER MIDWEST COMMUNICATIONS, INC., KBFL-FM, Fac. ID No. 33654, From BUFFALO, MO, To FAIR GROVE, MO, File No. 0000143246; CLARO COMMUNICATIONS, LTD, KUKA(FM), Fac. ID No. 2818, From SAN DIEGO, TX, To BISHOP, TX, File No. 0000145176; ZIMMER MIDWEST COMMUNICATIONS, INC., KWTO-FM, MO, To BUFFALO, MO, File No. 0000143248; FAMILY LIFE MINISTRIES, INC., WCGT(FM), Fac. ID No. 172665, From TIDIOUTE, PA, TO CLINTONVILLE, PA, File No. 0000145265; RADIOACTIVE, LLC, WKFC(FM), Fac. ID No. 164241, From NORTH CORBIN, KY, TO CRAB ORCHARD, KY File No. 0000145184; CHOICE RADIO CORPORATION, WKKQ(FM), Fac. ID No. 3954, FROM BARBOURVILLE, KY, TO NORTH CORBIN, KY, File No. 0000145185; SALEM COMMUNICATIONS HOLDING CORPORATION, WLTE(FM), Fac. ID No. 170949, From PENDLETON, SC, To POWDERSVILLE, SC, File No. 0000148015; RADIOACTIVE, LLC, WPBK(FM), Fac. ID No. 164242, From CRAB ORCHARD, KY, HUSTONVILLE, KY, File No. 0000145182; SUTTON RADIOCASTING CORPORATION, WRBN(FM), Fac. ID No. 56201, From CLAYTON, GA, To TOCCOA, GA, File No. 0000143723; REVIVAL CHRISTIAN MINISTRIES, INC., WSGG(FM), Fac. ID No. 92857, From CANAAN, CT, To NORFOLK, CT, File No. 0000145109; and RADIOJONES, LLC, WXR5-FM, Fac. ID No. 36212, From PORTAL, GA, To STATESBORO, GA, File No. 0000143396. The full text of these applications is available electronically via the Media Bureau's Consolidated Data Base System, https://licensing.fcc.gov/prod/cdbs/pubacc/prod/app_sar.htm or Licensing and Management System (LMS), <https://apps2int.fcc.gov/dataentry/public/tv/publicAppSearch.html>.

Federal Communications Commission.

Nazifa Sawez,

Assistant Chief, Audio Division, Media Bureau.

[FR Doc. 2021-14267 Filed 7-2-21; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

[MD Docket No. 20-270; DA 21-747; FR ID 35696]

Schedule of Application Fees of the Commission's Rules

AGENCY: Federal Communications Commission.

ACTION: Public notice.

SUMMARY: The Commission announces the effective date of new application fee rates for the Office of Engineering and Technology and for Media Services.

DATES: Applicable July 15, 2021.

FOR FURTHER INFORMATION CONTACT:

Roland Helvajian, Office of Managing Director at (202) 418-0444.

SUPPLEMENTARY INFORMATION: The Commission adopted new application fee rates in a *Report and Order*, FCC 20-184, MD Docket No. 20-270, adopted on December 23, 2020 and released on December 29, 2020. This document provides notice that new application fee rates will become effective on July 15, 2021 for the Office of Engineering and Technology and the Media Bureau.

DA 21-747

Released: June 25, 2021

Effective Date of New Application Fees for the Office of Engineering and Technology and the Media Bureau

MD Docket No. 20-270

On December 23, 2020, the Commission adopted a Report and Order implementing a new application fee schedule which significantly updated the Commission's previous fee schedule.¹ As indicated in the *2020 Application Fee Report and Order*, the new application fee rates will become effective when the Commission's "information technology systems and internal procedures have been updated, and the Commission publishes notice(s) in the **Federal Register** announcing the effective date of such rules."² At this time, the systems and internal procedures have been updated for the Office of Engineering and Technology and for the Media Bureau. This Public Notice therefore announces that the new

¹ See *Amendment of the Schedule of Application Fees Set Forth in Sections 1.1102 through 1.1109 of the Commission's Rules*, MD Docket No. 20-270, Report and Order, 35 FCC Rcd 15089 (2020) (*2020 Application Fee Report and Order*). Pursuant to section 8(b)(1) of the Communications Act of 1934, as amended, the Commission is required to review application fees in every even-numbered year, adjust the fees to reflect increases or decreases in the Consumer Price Index, and round to the nearest \$5 increment. See 47 U.S.C. 158(b)(1).

² *2020 Application Fee Report and Order* at 15155, para. 201.

application fee rates in sections 1.1103 and 1.1104 of Commission's rules will become effective on July 15, 2021.³

For further information regarding this Public Notice, please contact Roland Helvajian, Program Analyst, Financial Operations, Office of the Managing Director, Roland.Helvajian@fcc.gov.

Katura Jackson,

Federal Register Liaison Officer.

[FR Doc. 2021-14270 Filed 7-2-21; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060-0519; FR ID 35990]

Information Collection Being Submitted for Review and Approval to Office of Management and Budget

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal Agencies to take this opportunity to comment on the following information collection. Pursuant to the Small Business Paperwork Relief Act of 2002, the FCC seeks specific comment on how it 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 August 5, 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

³ See 47 CFR 1.1103 (Schedule of charges for experimental radio services.), 1.1104 (Schedule of charges for applications and other filings for media services.). Applicants must continue to pay the current fees for their applications under the existing procedures until the new procedures and fees are in effect for their applications. The Commission will announce the effective date of the new application fee rates in sections 1.1102, 1.1105, 1.1106, 1.1107, and 1.1109 of the Commission's once the applicable information technology systems and internal procedures have been updated for those fees. See 47 CFR 1.1102, 1.1105, 1.1106, 1.1107, and 1.1109.

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: 3060-0519.

Title: Rules and Regulations Implementing the Telephone Consumer Protection Act (TCPA) of 1991, CG Docket No. 02-278.

Form Number: N/A.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit entities; Individuals or households; Not-for-profit institutions.

Number of Respondents and Responses: 169,369 respondents; 191,628,905 responses.

Estimated Time per Response: .004 hours (15 seconds) to 1 hour.

Frequency of Response: Annual, monthly, on occasion and one-time reporting requirements; Recordkeeping requirement; Third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for the information collection requirements are found in the Telephone Consumer Protection Act of 1991 (TCPA), Public Law 102-243, December 20, 1991, 105 Stat. 2394, which added Section 227 of the Communications Act of 1934, [47 U.S.C. 227] Restrictions on the Use of Telephone Equipment.

Total Annual Burden: 3,251,008 hours.

Total Annual Cost: \$1,357,200.

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 system of records notice (SORN), FCC/CGB-1, "Informal Complaints and Inquiries." As required by the Privacy Act, 5 U.S.C. 552a, the Commission also published a SORN, FCC/CGB-1 "Informal Complaints, Inquiries, and Requests for Dispute Assistance", in the **Federal Register** on August 15, 2014 (79 FR 48152) which became effective on September 24, 2014. A system of records for the do-not-call registry was created by the Federal Trade Commission (FTC) under the Privacy Act. The FTC originally published a notice in the **Federal Register** describing the system. See 68 FR 37494, June 24, 2003. The FTC updated its system of records for the do-not-call registry in 2009. See 74 FR 17863, April 17, 2009.

Privacy Impact Assessment: Yes.

Needs and Uses: The reporting requirements included under this OMB Control Number 3060-0519 enable the Commission to gather information regarding violations of section 227 of

the Communications Act, the Do-Not-Call Implementation Act (Do-Not-Call Act), and the Commission's implementing rules. If the information collection was not conducted, the Commission would be unable to track and enforce violations of section 227 of the Communications Act, the Do-Not-Call Act, or the Commission's rules. The Commission's rules provide consumers with several options for avoiding most unwanted telephone solicitations.

The national do-not-call registry supplements the company-specific do-not-call rules for those consumers who wish to request that particular companies not call them. Any company that is asked by a consumer, including an existing customer, not to call again must honor that request for five (5) years. A provision of the Commission's rules, however, allows consumers to give specific companies permission to call them through an express written agreement. Nonprofit organizations, companies with whom consumers have an established business relationship, and calls to persons with whom the telemarketer has a personal relationship are exempt from the "do-not-call" registry requirements.

On September 21, 2004, the Commission released the Safe Harbor Order, published at 69 FR 60311, October 8, 2004, establishing a limited safe harbor in which persons will not be liable for placing autodialed and prerecorded message calls to numbers ported from a wireline service within the previous 15 days. The Commission also amended its existing National Do-Not-Call Registry safe harbor to require telemarketers to scrub their lists against the Registry every 31 days.

On June 17, 2008, in accordance with the Do-Not-Call Improvement Act of 2007, the Commission revised its rules to minimize the inconvenience to consumers of having to re-register their preferences not to receive telemarketing calls and to further the underlying goal of the National Do-Not-Call Registry to protect consumer privacy rights. The Commission released a Report and Order in CG Docket No. 02-278, FCC 08-147, published at 73 FR 40183, July 14, 2008, amending the Commission's rules under the TCPA to require sellers and/or telemarketers to honor registrations with the National Do-Not-Call Registry so that registrations will not automatically expire based on the five-year registration period. Specifically, the Commission modified § 64.1200(c)(2) of its rules to require sellers and/or telemarketers to honor numbers registered on the Registry indefinitely or until the number is removed by the database administrator

or the registration is cancelled by the consumer.

On February 15, 2012, the Commission released a Report and Order in CG Docket No. 02–278, FCC 12–21, originally published at 77 FR 34233, June 11, 2012, and later corrected at 77 FR 66935, November 8, 2012, revising its rules to: (1) Require prior express written consent for all autodialed or prerecorded telemarketing calls to wireless numbers and for all prerecorded telemarketing calls to residential lines; (2) eliminate the established business relationship exception to the consent requirement for prerecorded telemarketing calls to residential lines; (3) require telemarketers to include an automated, interactive opt-out mechanism in all prerecorded telemarketing calls to allow consumers more easily to opt out of future robocalls; and (4) require telemarketers to comply with the 3% limit on abandoned calls during each calling campaign, in order to discourage intrusive calling campaigns.

Finally, the Commission also exempted from the TCPA requirements informational artificial or prerecorded voice message calls to residential lines. On December 30, 2020, the Commission released a Report and Order in CG Docket No. 02–278, FCC 20–186, published at 86 FR 11443, February 25, 2021, amending the TCPA exemptions for artificial or prerecorded voice calls made to residential telephone lines so each satisfies the TRACED Act’s requirements to identify who can call, who can be called, and any call limits. The Commission adopted limits on the number of calls that can be made under the exemptions for non-commercial calls to a residence; commercial calls to a residence that do not include an advertisement or constitute telemarketing; tax-exempt nonprofit organization calls to a residence; and Health Insurance Portability and Accountability Act (HIPAA)-related calls to a residence. In addition, callers must have mechanisms in place to allow consumers to opt out of any future calls.

This action will empower consumers to further limit the number of unwanted robocalls made under any TCPA exemption.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2021–14346 Filed 7–2–21; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Termination of Receiverships

The Federal Deposit Insurance Corporation (FDIC or Receiver), as Receiver for each of the following insured depository institutions, was charged with the duty of winding up the affairs of the former institutions and liquidating all related assets. The Receiver has fulfilled its obligations and made all dividend distributions required by law.

NOTICE OF TERMINATION OF RECEIVERSHIPS

Fund	Receivership name	City	State	Termination date
10076	The John Warner Bank	Clinton	IL	07/01/2021
10077	First State Bank of Winchester	Winchester	IL	07/01/2021
10078	First National Bank of Danville	Danville	IL	07/01/2021
10196	Statewide Bank	Covington	LA	07/01/2021
10319	Appalachian Community Bank	McCaysville	GA	07/01/2021

The Receiver has further irrevocably authorized and appointed FDIC-Corporate as its attorney-in-fact to execute and file any and all documents that may be required to be executed by the Receiver which FDIC-Corporate, in its sole discretion, deems necessary, including but not limited to releases, discharges, satisfactions, endorsements, assignments, and deeds. Effective on the termination dates listed above, the Receiverships have been terminated, the Receiver has been discharged, and the Receiverships have ceased to exist as legal entities.

(Authority: 12 U.S.C. 1819)

Federal Deposit Insurance Corporation.

Dated at Washington, DC, on June 30, 2021.

Debra A. Decker,

Deputy Executive Secretary.

[FR Doc. 2021–14345 Filed 7–2–21; 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.: 012058–003.

Agreement Name: Hoegh Autoliners/ K-Line Space Charter Agreement.

Parties: Hoegh Autoliners AS and Kawasaki Kisen Kaisha, Ltd.

Filing Party: John Meade, “K” Line America, Inc.

Synopsis: The amendment eliminates the parties’ authority to jointly negotiate

for covered services under the Agreement.

Proposed Effective Date: 6/24/2021.

Location: <https://www2.fmc.gov/FMC.Agreements.Web/Public/AgreementHistory/397>.

Agreement No.: 012440–002.

Agreement Name: WW Ocean and NYK Space Charter Agreement.

Parties: Wallenius Wilhelmsen Ocean AS and Nippon Yusen Kaisha.

Filing Party: Wayne Rohde; Cozen O’Connor.

Synopsis: The amendment revises Article 5.3 of the Agreement to clarify the authority of the parties with respect to joint contracting with third parties.

Proposed Effective Date: 6/25/2021.

Location: <https://www2.fmc.gov/FMC.Agreements.Web/Public/AgreementHistory/1914>.

Agreement No.: 012206–005.

Agreement Name: Grimaldi/“K” Line Space Charter Agreement.

Parties: Grimaldi Deep Sea S.p.A. and Grimaldi Euromed S.p.A. (acting as a single party) and Kawasaki Kisen Kaisha, Ltd.

Filing Party: John Meade, “K” Line America, Inc.

Synopsis: The amendment eliminates the parties' authority to jointly negotiate for covered services under the Agreement.

Proposed Effective Date: 6/24/2021.

Location: <https://www2.fmc.gov/FMC.Agreements.Web/Public/AgreementHistory/253>.

Agreement No.: 011836–003.

Agreement Name: WW Ocean/K-Line Space Charter Agreement.

Parties: Wallenius Wilhelmsen Ocean AS and Kawasaki Kisen Kaisha, Ltd.

Filing Party: Wayne Rohde; Cozen O'Connor.

Synopsis: The amendment revises Article 5.3 of the Agreement to clarify the authority of the parties with respect to contracting with third parties.

Proposed Effective Date: 6/25/2021.

Location: <https://www2.fmc.gov/FMC.Agreements.Web/Public/AgreementHistory/564>.

Agreement No.: 201319–001.

Agreement Name: "K" Line/Kyowa Shipping—Japan/Guam/Saipan Car Carrier Space Charter Agreement.

Parties: Kawasaki Kisen Kaisha, Ltd. and Kyowa Shipping Co., Ltd.

Filing Party: John Meade, "K" Line America, Inc.

Synopsis: The amendment eliminates the parties' authority to jointly negotiate for covered services under the Agreement.

Proposed Effective Date: 6/24/2021.

Location: <https://www2.fmc.gov/FMC.Agreements.Web/Public/AgreementHistory/22434>.

Agreement No.: 201302–001.

Agreement Name: "K" Line/Liberty Global Logistics LLC U.S. Middle East Car Carrier Space Charter Agreement.

Parties: Kawasaki Kisen Kaisha, Ltd. and Liberty Global Logistics LLC.

Filing Party: John Meade, "K" Line America, Inc.

Synopsis: The amendment eliminates the parties' authority to jointly negotiate for covered services under the Agreement.

Proposed Effective Date: 6/24/2021.

Location: <https://www2.fmc.gov/FMC.Agreements.Web/Public/AgreementHistory/22397>.

Agreement No.: 012129–004.

Agreement Name: EUKOR/"K" Line Space Charter Agreement.

Parties: EUKOR Car Carriers, Inc. and Kawasaki Kisen Kaisha, Ltd.

Filing Party: John Meade, "K" Line America, Inc.

Synopsis: The amendment eliminates the parties' authority to jointly negotiate for covered services under the Agreement.

Proposed Effective Date: 6/24/2021.

Location: <https://www2.fmc.gov/FMC.Agreements.Web/Public/AgreementHistory/378>.

Agreement No.: 201301–001.

Agreement Name: "K" Line/Liberty Global Logistics LLC U.S./Japan Car Carrier Space Charter Agreement.

Parties: Kawasaki Kisen Kaisha, Ltd. and Liberty Global Logistics LLC.

Filing Party: John Meade, "K" Line America, Inc.

Synopsis: The amendment eliminates the parties' authority to jointly negotiate for covered services under the Agreement.

Proposed Effective Date: 6/24/2021.

Location: <https://www2.fmc.gov/FMC.Agreements.Web/Public/AgreementHistory/22396>.

Agreement No.: 201303–001.

Agreement Name: "K" Line/Liberty Global Logistics LLC U.S./Mexico Car Carrier Space Charter Agreement.

Parties: Kawasaki Kisen Kaisha, Ltd. and Liberty Global Logistics LLC.

Filing Party: John Meade, "K" Line America, Inc.

Synopsis: The amendment eliminates the parties' authority to jointly negotiate for covered services under the Agreement.

Proposed Effective Date: 6/24/2021.

Location: <https://www2.fmc.gov/FMC.Agreements.Web/Public/AgreementHistory/22398>.

Agreement No.: 201304–001.

Agreement Name: "K" Line/Liberty Global Logistics LLC U.S./Belgium/Germany Car Carrier Space Charter Agreement.

Parties: Kawasaki Kisen Kaisha, Ltd. and Liberty Global Logistics LLC.

Filing Party: John Meade, "K" Line America, Inc.

Synopsis: The amendment eliminates the parties' authority to jointly negotiate for covered services under the Agreement.

Proposed Effective Date: 6/24/2021.

Location: <https://www2.fmc.gov/FMC.Agreements.Web/Public/AgreementHistory/22399>.

Agreement No.: 011707–019.

Agreement Name: Gulf/South America Discussion Agreement.

Parties: BBC Chartering Carriers GmbH & Co. KG and BBC Chartering & Logistic GmbH & Co. KG (acting as a single party); Industrial Maritime Carriers, LLC; and Seaboard Marine Ltd.

Filing Party: Wayne Rohde; Cozen O'Connor.

Synopsis: The amendment adds a new Article 5(h) clarifying the authority of the parties with respect to contracting with third parties.

Proposed Effective Date: 6/28/2021.

Location: <https://www2.fmc.gov/FMC.Agreements.Web/Public/AgreementHistory/684>.

Agreement No.: 012301–005.

Agreement Name: Siem Car Carrier AS/Volkswagen Logistics Konzernlogistik GmbH & Co. OHG Space Charter Agreement.

Parties: Siem Car Carriers AS and Volkswagen Konzernlogistik GmbH & Co. OHG.

Filing Party: Ashley Craig; Venable LLP.

Synopsis: The amendment updates Article 5.3 of the Agreement to remove joint procurement and joint negotiation authority.

Proposed Effective Date: 6/28/2021.

Location: <https://www2.fmc.gov/FMC.Agreements.Web/Public/AgreementHistory/169>.

Agreement No.: 201285–001.

Agreement Name: Siem Car Carriers AS/Accordia Shipping LLC Space Charter Agreement.

Parties: Siem Car Carriers AS and Accordia Shipping LLC.

Filing Party: Ashley Craig; Venable LLP.

Synopsis: The amendment updates Article 5.3 of the Agreement to remove joint procurement and joint negotiation authority.

Proposed Effective Date: 6/28/2021.

Location: <https://www2.fmc.gov/FMC.Agreements.Web/Public/AgreementHistory/20311>.

Agreement No.: 012359–002.

Agreement Name: MOL/Volkswagen Konzernlogistik GmbH & Co. OHG Space Charter Agreement.

Parties: Mitsui O.S.K. Lines Ltd. and Volkswagen Konzernlogistik GmbH & Co. OHG.

Filing Party: Rebecca Fenneman; Jeffrey/Fenneman Law and Strategy PLLC.

Synopsis: The amendment removes any authority of the parties to jointly negotiate or procure terminal services in the United States.

Proposed Effective Date: 6/28/2021.

Location: <https://www2.fmc.gov/FMC.Agreements.Web/Public/AgreementHistory/52>.

Agreement No.: 012210–002.

Agreement Name: Siem Car Carriers AS/EUKOR Car Carriers Inc. Space Charter Agreement.

Parties: Siem Car Carriers AS and EUKOR Car Carriers, Inc.

Filing Party: Ashley Craig; Venable LLP.

Synopsis: The amendment updates Article 5.3 of the Agreement to remove joint procurement and joint negotiation authority.

Proposed Effective Date: 6/28/2021.

Location: <https://www2.fmc.gov/FMC.Agreements.Web/Public/AgreementHistory/260>.

Agreement No.: 011842–003.

Agreement Name: Crowley/Dole Space Charter and Sailing Agreement.
Parties: Crowley Latin America Services, LLC and Dole Ocean Cargo Express, LLC.

Filing Party: Wayne Rohde; Cozen O' Connor.

Synopsis: The amendment revises the language of Article 5(c) to clarify that the parties do not have authority to contract jointly with terminals and stevedores.

Proposed Effective Date: 6/29/2021.

Location: <https://www2.fmc.gov/FMC.Agreements.Web/Public/AgreementHistory/569>.

Agreement No.: 012453-001.

Agreement Name: MOL/NMCC/KL Space Charter Agreement.

Parties: Mitsui O.S.K. Lines, Ltd.; Nissan Motor Car Carrier Co., Ltd.; and Kawasaki Kisen Kaisha, Ltd.

Filing Party: Rebecca Fenneman; Jeffrey/Fenneman Law and Strategy PLLC.

Synopsis: The amendment revises the name of the Agreement; removes WLS as a party to the agreement; and removes all authority to jointly negotiate or procure terminal services in the United States.

Proposed Effective Date: 6/29/2021.

Location: <https://www2.fmc.gov/FMC.Agreements.Web/Public/AgreementHistory/1937>.

Dated: June 30, 2021.

Rachel E. Dickon,

Secretary.

[FR Doc. 2021-14317 Filed 7-2-21; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Statement of Organization, Functions, and Delegations of Authority

Part C (Centers for Disease Control and Prevention) of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health and Human Services (45 FR 67772-76, dated October 14, 1980, and corrected at 45 FR 69296, October 20, 1980, as amended most recently at 86 FR 7725, dated February 2, 2021) is amended to reflect the reorganization of the National Center for Chronic Disease Prevention and Health Promotion, Deputy Director for Non-Infectious Diseases, Centers for Disease Control and Prevention.

Section C-B, Organization and Functions is hereby amended as follows:

Delete in its entirety the titles and mission and function statements for the *National Center for Chronic Disease Prevention and Health Promotion (CUC)* and insert the following:

National Center for Chronic Disease Prevention and Health Promotion (CUC). The National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP) plans, directs, and coordinates a national program for the prevention of premature mortality, morbidity, and disability due to heart disease, cancer, stroke, diabetes, arthritis, oral disease and other major chronic diseases, conditions, and adverse health outcomes, including reproductive outcomes, and the prevention of associated major risk factors, including tobacco use, poor nutrition, and physical inactivity; and promotes the overall health of the population across the life span, and the health of population subgroups with disproportionate burdens of chronic diseases, conditions and risk factors. In carrying out this mission, the Center: (1) Plans, directs, and supports population-based policy, environmental, programmatic and infrastructure interventions to promote population health and well-being, increase healthy life expectancy, improve quality of life, increase productivity, and reduce health care costs; (2) provides national and international leadership in the development, implementation, evaluation, and dissemination of effective programs for chronic disease prevention, risk factor reduction, and health promotion; (3) plans, develops, implements, maintains and disseminates information for action from surveillance systems to monitor and understand the distribution of chronic diseases and conditions, and risk factors, and take appropriate action to address them; (4) conducts epidemiologic and behavioral investigations and demonstrations related to major health behaviors, including tobacco use, nutrition, family planning, alcohol use, and physical activity in conjunction with state, tribal, local and territorial health agencies, academic institutions, national, state and local partners and community organizations; (5) plans, directs, and conducts epidemiologic and evaluative investigations and interventions to improve health care access, utilization, and quality of health services in order to better prevent and control chronic diseases, conditions, and selected adverse reproductive outcomes, and reduce health risk behaviors; (6) serves as the primary focus for assisting states and localities through grants,

cooperative agreements, and other mechanisms, in establishing and maintaining chronic disease prevention and health promotion programs; (7) provides training and technical consultation and assistance to states and localities in planning, establishing, maintaining, and evaluating prevention and control strategies for selected chronic disease and health promotion activities; (8) fosters collaboration and coordination of chronic disease prevention and health promotion activities across the Center by leading and facilitating joint planning, consultation, program management and evaluation, and technical assistance to state, tribal, local and territorial partners; (9) provides technical consultation and assistance to other nations in the development and implementation of programs related to chronic disease prevention and health promotion, and selected adverse reproductive outcomes; and (10) in carrying out the above functions, collaborates as appropriate with other CDC components, other U.S. Public Health Service (PHS) agencies, domestic and international public health agencies, and voluntary and professional health organizations.

Office of the Director (CUC1). (1) Manages, directs, coordinates, and evaluates the national and international activities and programs of NCCDPHP; (2) develops goals and objectives and provides leadership, policy formulation, scientific oversight, and guidance in program planning and development; (3) coordinates expert consultation and assistance provided by NCCDPHP to other CDC components, other PHS agencies, and federal, state, tribal, local and territorial government agencies, health care and related organizations, national and international health-related voluntary organizations, employers and businesses, private sector organizations, and other nations, and facilitates collaboration with these entities; (4) provides and coordinates science and administrative support services for NCCDPHP programs, including guidance and coordination for grants, cooperative agreements, and other assistance and acquisition mechanisms; (5) works with programs to implement Center-wide budgets in accordance to operating plans for strategic goals and tactical objectives managing funding for intramural and extramural programs, projects and activities; (6) develops, and executes Center-wide financial planning, budgeting, monitoring, and reporting for end of fiscal year close-out (7) provides support and quality assurance functions for human subjects

protection, scientific clearance of information products produced by the Center, and plans, develops, and coordinates extramural research activities in cooperation with centers, divisions, and offices; (8) provides support and coordination for ongoing internal and external review of scientific and programmatic activities and ensures compliance with relevant rules, regulations and guidance documents; (9) coordinates, manages, and supports analyses of surveillance systems and activities in support of programs carried out by various NCCDPHP components; (10) coordinates the recruitment, assignment, technical supervision, and career development of staff, including field assignees, with emphasis on goals for affirmative action; (11) provides technical information services to facilitate dissemination of significant information to NCCDPHP staff, various federal, state, and local health agencies, professional and voluntary organizations, and through them to selected target populations; and (12) supports ongoing publication of *Preventing Chronic Disease* as a resource for public health professionals.

Office of Public Health Practice (HCUC12). (1) Supports program collaboration and increases effectiveness and efficiency of program efforts; (2) develops goals and objectives and provides leadership, policy formulation, scientific oversight, and guidance in program planning and development; (3) coordinates the Center framework for outcome-based program performance; (4) assesses and strengthens existing staff skills and identifies and addresses gaps in critical leadership, technical, management and administrative workplace needs; (5) oversees and develops guidance for NCCDPHP employee recognition efforts; (6) coordinates and evaluates promising collaborative practices and structures that more efficiently demonstrate strategic sharing of resources across NCCDPHP programs, and (7) coordinates the Center efforts to identify opportunities to train and develop new public health staff experts for the nation.

Office of Administrative Services (CUC13). (1) provides leadership, planning, coordination, advice, and guidance in the execution and maintenance of the Center's administrative functions; (2) plans, develops, and implements Center-wide policies, procedures, and practices for administrative management; (3) provides and coordinates Center-wide administrative management and support services for personnel, travel, and other administrative areas; (4) plans,

coordinates, and implements training for the divisions' administrative personnel; (5) provides guidance, support, and assistance in recruitment, staff development, conflict resolution, and personnel issues management and (6) in the conduct of these activities, maintains liaison with other CDC components, Department of Health and Human Services (HHS), and other federal agencies.

Office of Communication (CUC15). (1) Plans, develops, conducts, and evaluates cross-cutting communication projects and campaigns to inform media, health professionals, and the public about preventing chronic diseases and promoting healthy behaviors; (2) provides media, communication, and marketing support to NCCDPHP's divisions and programs; (3) facilitates cross-division coordination of health communication activities, sharing of lessons learned, and development of best practices; (4) serves as primary liaison between NCCDPHP and CDC's Office of the Associate Director for Communication on communication and marketing science and its associated research and practice; (5) prepares CDC and HHS press releases and media advisories, responds to Center-level media inquiries, and coordinates and clears division-level media inquiries; (6) provides media relations support and training to NCCDPHP scientists and communication specialists; (7) manages a centralized system for tracking and analyzing media coverage of NCCDPHP issues and data releases; (8) assesses each newly division-cleared NCCDPHP eClearance item (journal articles, MMWRs, internet content, reports/books and book chapters, and presentation abstracts and presentations) for any further needed clearance review (such as cross-division or cross-CIO clearance, center policy or communications review, CDC Office of Science review); (9) provides technical writer-editor support to NCCDPHP scientific authors; (10) develops, designs, and coordinates the publication of digital and print materials, such as fact sheets, newsletters, speeches and presentations, exhibits, podcasts, and educational videos; (11) manages NCCDPHP's website and Intranet and coordinates scheduling and production of chronic-disease-related weekly features for main CDC website; (12) manages, maintains, and supports the development and publication of awardee success stories in a public-facing internet application; (13) responds to cross-cutting public inquiries as part of the CDC-INFO

system and coordinates NCCDPHP's use of the CDC publication distribution facility; (14) manages and coordinates scientific and public affairs clearance of NCCDPHP print and non-print materials, ensuring adherence to and consistency with CDC and HHS information and publication policies and guidelines; (15) manages CDC logo licensing and co-branding requests from external partner organizations involving NCCDPHP divisions and programs; (16) represents NCCDPHP on committees, workgroups, and at conferences relating to health communication activities; and (17) manages internal NCCDPHP communications.

Office of Informatics and Information Resources Management (CUC16). (1) Provides leadership, direction, coordination, support and assistance to NCCDPHP programs and activities to enhance the strategic position in public health informatics, information technology, and other information areas to optimize operational effectiveness; (2) provides management oversight of NCCDPHP's information technology (IT) investments and initiatives; (3) manages NCCDPHP's IT budget development and review processes; plans and directs the Capital Planning Investment Control processes; (4) provides consultation and support for NCCDPHP data management, systems development, and information security need; (5) manages NCCDPHP compliance with Federal Information Security Management Agency (FISMA), OMB, HHS, CDC and other cybersecurity standards, practices and policies; (6) facilitates cross-division coordination of informatics and information technology activities, sharing of lessons learned, and development of best practices; (7) serves as primary liaison between NCCDPHP and CDC's Office of the Chief Information Officer on IT infrastructure, shared services rollout, software acquisitions, and trainings; cybersecurity and marketing science and its associated research and practice; (8) represents NCCDPHP on committees, workgroups, and at conferences relating to public health informatics and information technology activities; and (9) plans, develops, manages, and conducts oversight of NCCDPHP's information technology and services contracts.

Office of Policy, Planning, and Partnerships (CUC17). (1) Provides analysis of and guidance to Center leadership and division staff on policy, evaluation and legislative issues (2) provides programmatic and budgetary information related to the Center's activities to internal and external stakeholders and policymakers; (3)

develops center-wide planning, evaluation and budget documents; (4) monitors developments in chronic disease policy; and (5) develops policy competencies throughout the Center.

Office of Medicine and Science (CUC1B). (1) Provides support, coordination and guidance to NCCDPHP programs to improve science quality, science administration, and scientific reporting, and to integrate health care and public health; (2) oversees scientific clearance, research, misconduct, and regulatory compliance, and includes the Extramural Research Program Operations and Services; (3) promotes and fosters linkages to improve partnerships between health care and public health programs; (4) works to improve measurement of health intervention processes and outcomes; and (5) promotes the open exchange of information and knowledge among researchers, practitioners, and others who strive to improve public health through the quarterly publication of *Preventing Chronic Disease*.

Division of Cancer Prevention and Control (CUC). (1) Plans, directs, and supports prevention, early detection, and control programs for cancer, based upon policy, research, and public health practice; (2) directs, monitors, and reports on activities associated with the implementation of Public Law 101–354: “The Breast and Cervical Cancer Mortality Prevention Act of 1990”; (3) plans, directs, and supports activities for monitoring the distribution and the determinants of cancer morbidity, survival, and mortality; (4) plans and conducts epidemiologic studies and evaluations to identify the feasibility and effectiveness of cancer prevention and control strategies; (5) develops public health strategies and guidelines to form the basis for community interventions in cancer prevention and control; (6) provides technical consultation, assistance, and training to state and local public health agencies in all components of early detection and control programs for cancer; (7) provides technical assistance and consultation to health care provider organizations related to the improved education, training, and skills in the prevention, detection and control of selected cancers; (8) identifies problems, needs, and opportunities related to modifiable behavioral and other risk factors, and recommends priorities for health education, health promotion, and cancer risk reduction activities; (9) plans, develops and maintains surveillance systems in collaboration with states and other Center components; and (10) coordinates activities as appropriate with other CDC

organizations, PHS agencies, and related voluntary, international, and professional health organizations.

Office of the Director (CUC1). (1) Establishes and interprets policies and determines program priorities; (2) provides leadership and guidance in program planning and development, program management, program evaluation, budget development, and division operations; (3) monitors progress toward achieving division objectives and assessing the impact of programs; (4) insures that division activities are coordinated with other components of CDC both within and outside the Center; with federal, state and local agencies; and related voluntary and professional organizations; (5) coordinates division responses to requests for technical assistance or information on primary and secondary cancer prevention practices, behaviors and policies, including division activities and programs; (6) provides administrative and logistic support for division field staff; (7) develops and produces communications tools and public affairs strategies to meet the needs of division programs and mission; (8) develops health communication campaigns at the national and state levels; (9) guides the production and distribution of print, broadcast, and electronic materials, for use in programs at the national and state levels; and (10) provides leadership, consultation and technical assistance on health communication issues for cancer prevention and control.

Epidemiology and Applied Research Branch (CUCCB). (1) Designs, implements, and analyzes research in epidemiology, health services, applied economics, behavioral science and communications that contribute to scientific knowledge related to cancer prevention and control; (2) monitors trends in the use of preventive services and behaviors which affect the risk of cancer incidence or mortality; (3) conducts both qualitative and quantitative research to identify the determinants of cancer prevention and screening behaviors; (4) studies the use and effectiveness of health care resources allocated to the primary and secondary prevention of cancer; (5) assesses the quality and appropriateness of screening, follow-up, and treatment for cancer discovered through early detection; (6) evaluates the effectiveness of programs sponsored by the Division of Cancer Prevention and Control (DCPC); (7) provides scientific and medical expertise to the division; (8) provides technical assistance in research design and evaluation of cancer control programs to other organizational

units in the division, state health departments, and national and international non-profit and for profit organizations; and (9) establishes collaborative partnerships with public and private organizations of national and international stature.

Cancer Surveillance Branch (CUCCC). (1) Collects complete, timely, and accurate cancer surveillance data to inform cancer care and interventions, plan cancer control programs, and inform health policy; (2) support central cancer registry capacity to implement advanced and innovative surveillance activities; (3) provides technical support to states for the planning, implementation, and evaluation of population-based statewide central cancer registries; (4) collaborates with states and national organizations to set and implement standards for data quality, timeliness, and completeness for cancer case reporting; (5) assists states to ensure high quality, complete and timely cancer surveillance data to be collected and submitted and to utilize cancer surveillance data to describe the state and national disease burden, evaluate cancer control activities, and identify populations at high risk of certain cancers; (6) provides technical assistance to states in the design and implementation of systems for, and analysis of, surveillance research related to cancer; (7) provides technical assistance, education and training to local, state, and national organizations in data collection and surveillance data systems; (8) supports and manages comprehensive database systems to monitor progress of state cancer control programs; (9) disseminates high-quality data on all reportable incident cancer cases in a timely manner for the purpose of cancer prevention and control; (10) provide leadership and expand collaborations with other federal, state, local, voluntary, professional, and international organizations for all aspects of cancer surveillance; and (11) provides leadership and expertise in the development and implementation of innovative electronic reporting of data via electronic health records and data systems.

Program Services Branch (CUCCD). (1) Provides technical consultation and guidance to public health agencies in states, tribes and territories concerning the development and implementation of high quality cancer early detection and control programs; (2) monitors, tracks, and evaluates program activities in funded cancer screening and early detection programs; (3) establishes and interprets policies and priorities in support of public health interventions

for cancer screening and control; (4) identifies and promotes effective program management approaches and ensures performance-based distribution of public funds; (5) develops and maintains liaisons and collaborative relationships with professional, community, and voluntary agencies involved in cancer control activities; (6) assists in the design, implementation, and monitoring of management information systems for cancer screening and early detection programs, and facilitates and coordinates the collection and evaluation of data from cancer screening and follow-up activities; (7) conducts research to identify effective outreach and recruitment strategies for underserved populations; (8) plans, develops, implements, disseminates and evaluates education and training programs for the public and healthcare professionals regarding cancer detection and control; and (9) recruits, trains, and supervises program consultants and public health advisors working with health departments to implement cancer screening and early detection programs.

Comprehensive Cancer Control Branch (CUCCG). (1) Provides technical consultation and guidance to states and public health agencies in all components of the early detection and control programs for cancer; (2) monitors, tracks, and evaluates program activities in state, tribal and territorial-based comprehensive cancer control programs; (3) recruits, trains, and supervises program consultants and public health advisors working with state, tribal and territorial health departments to implement comprehensive cancer control programs; (4) designs, implements, and analyzes research to identify effective cancer control interventions to reach target populations; (5) plans, develops, and implements training programs for comprehensive cancer control; (6) develops and maintains liaison and collaborative relationships with professional, community, and voluntary agencies involved in comprehensive cancer control activities; (7) evaluates the effectiveness of comprehensive cancer control programs; and (8) provides technical assistance in research design and evaluation of comprehensive cancer control programs to other organizational units within Division of Cancer Prevention and Control (DCPC), across NCCDPHP, CDC, state health departments, and national and international non-profit and for-profit organizations; provides scientific and medical expertise to DCPC, NCCDPHP, CDC, state health

departments, and national and international non-profit and for-profit organizations; and directs, designs, develops and conducts research projects to investigate evidence-based practice, prevention and control activities related to reducing the burden of cancer.

Division of Oral Health (CUCD). (1) Monitors burden of oral diseases, risk factors, preventive services, and other associated factors; (2) supports public health research that directly applies to oral health policies and programs; (3) communicates timely and relevant information to impact oral health policy, practices, and programs; (4) supports the implementation and maintenance of effective strategies and interventions to reduce the burden of oral diseases and conditions; (5) builds capacity and infrastructure for sustainable, effective, and efficient oral health programs; (6) evaluates oral health programs to ensure that implementation has been successful; (7) identifies and facilitates partnerships to support CDC's strategic priorities for oral health; (8) investigates and diagnoses oral health hazards and outbreaks in the community; (9) develops and advocates sound oral public health policies; and (10) translates and disseminates research findings to develop, enhance, and guide programs, policies and strategies.

Division of Diabetes Translation (UCDG). In collaboration with NCCDPHP divisions, other CDC components, other HHS agencies, state, tribal, local and territorial government agencies, academic institutions, and voluntary and private sector organizations, the Division of Diabetes Translation: (1) Plans, directs, and coordinates a national program to prevent type 2 diabetes and reduce morbidity, mortality, disability, and cost associated with diabetes and its complications; (2) identifies, evaluates, and implements programs and policies to prevent type 2 diabetes and manage diabetes through the translation of evidence-based models and interventions for improved health care and self-care practices into widespread clinical and community practice; (3) conducts surveillance of diabetes, its complications, and the utilization of health care and prevention resources to monitor trends and evaluate program impact on morbidity, mortality, disability, and cost; (4) conducts epidemiologic studies and disseminates finding to identify and evaluate the feasibility and effectiveness of potential prevention and control strategies at the community level; (5) develops or supports clinical and public health guidelines and strategies to form the

basis for community interventions; and (6) provides technical consultation and assistance to national, state and local organizations to implement and evaluate cost effective interventions to reduce morbidity, mortality, and disability.

Office of the Director (CUCG1). (1) Establishes and interprets policies and determines program priorities; (2) provides leadership and guidance in strategic planning, budget formulation, programmatic and scientific planning, development, and management, administrative management and operations of the division; (3) coordinates the monitoring and reporting of division priorities, accomplishments, future directions, and resource requirements; (4) leads and coordinates policy and partnership activities; (5) provides leadership to the division for health communication efforts, including developing health communication campaigns and managing web content; (6) provides scientific oversight and support for scientific quality and reporting; and (7) coordinates division activities with other components of NCCDPHP and CDC, organizations in the public and private sectors, and other federal agencies.

Surveillance, Epidemiology, Economics and Statistics Branch (CUCGB). (1) Conducts national surveillance of diabetes and its complications, including surveillance of the degree of diffusion and dissemination of preventive services and the utilization of health care; (2) identifies clinical, health services, and public health research findings and technologies that have potential to prevent type 2 diabetes or manage diabetes and its complications through public health avenues; (3) develops and analyzes mathematical and economic models to project the burden of diabetes and prioritize effective interventions to prevent type 2 diabetes and manage diabetes; (4) conducts epidemiologic studies to identify high-risk population groups and other risk factors for diabetes and its complications; (5) conducts cost and cost-effectiveness analyses of type 2 diabetes prevention and diabetes management to prioritize strategies for policy-makers; (6) provides scientific and technical support to division staff, state and local health agencies, and others in planning and implementation of surveillance and effectiveness studies to reduce morbidity and mortality from diabetes; and (7) collaborates with counterparts in other divisions, academic institutions, and other HHS agencies by conducting national public health research projects

and by providing technical assistance in areas of epidemiology, surveillance, and economics.

Program Implementation Branch (CUGGC). (1) Provides programmatic leadership, guidance and consultation on a range of strategies to improve diabetes prevention and control programs in states, territories, tribes, and local jurisdictions; (2) identifies, develops, implements and evaluates strategies to prevent type 2 diabetes and manage diabetes through widespread community practice and through the application of policy and environmental interventions, health systems interventions and community interventions; (3) provides leadership, management and oversight for the National Diabetes Prevention Program; (4) develops, implements and supports work with vulnerable and disparate population groups; and (5) coordinates and collaborates with counterparts in other divisions, HHS agencies, academic institutions, and national and voluntary organizations to improve public health diabetes programs, practices, and policies.

Translation, Health Education, and Evaluation Branch (CUCGD). (1) Synthesizes and translates a body of best science and practice that can be applied to various public health settings; (2) analyzes, disseminates, and publishes data from diabetes programs to develop operational strategies for effective implementation of evidence-based interventions; (3) prepares and disseminates products that translate applied research, program evaluation, and health economics science to state/local programs and others; (4) conducts behavioral and implementation science research on approaches to improving health equity and addressing social determinants of health in the context of type 2 diabetes prevention and diabetes management; (5) designs, evaluates, and implements national health promotion strategies directed toward health care professionals and systems, individuals with and at risk for diabetes, community leaders, business, and general public; (6) evaluates program policies, plans, procedures, priorities, and guidelines being implemented in the field to improve health, prevent or delay type 2 diabetes and reduce morbidity, mortality, disability and costs associated with diabetes and its complications; and (7) provides evaluation support for division programs, grants, and policies, including the design and evaluation of data collection instruments for evaluation of programs and special studies.

Division of Nutrition, Physical Activity, and Obesity (CUCH). (1)

Provides national and international leadership for chronic disease prevention and control and health promotion in the areas of nutrition, physical activity, and obesity; (2) plans and implements surveillance to track and analyze policy and environmental indicators and behaviors related to nutrition, physical activity, and related risk factors for obesity and other chronic diseases; (3) builds international, national, state, and local community expertise and capacity to plan, implement, and evaluate nutrition, physical activity, obesity prevention, and other chronic disease risk factor programs focused on reducing health disparities; (4) conducts epidemiologic and intervention studies related to nutrition, physical activity, and obesity; (5) develops and disseminates new methods, guidelines, and recommendations for effective nutrition, physical activity, and obesity prevention strategies in multiple settings; (6) facilitates the translation and dissemination of practice- and research-tested findings into public health practice for optimal health impact; (7) provides national leadership in health communications to promote nutrition, physical activity, and obesity prevention and control, and integrates communications, trainings, translation and dissemination with overall program efforts; and (8) collaborates across CDC and with appropriate federal and state agencies, international/national/community organizations, and others.

Office of the Director (CUCH1). (1) Provides leadership and direction in establishing agency and division priorities, strategies, programs, and policies; (2) plans and directs resources and activities in alignment with agency and division goals and objectives; (3) leads policy development efforts and analyses related to nutrition, physical activity, obesity, and health disparities; (4) mobilizes and coordinates partnerships and constituencies to build a national infrastructure for nutrition and physical activity promotion and obesity prevention, and other chronic disease risk factors to support the reduction of health disparities; (5) educates healthcare professionals, businesses, communities, the general public, and key decision-makers about the importance of nutrition and physical activity in preventing obesity and their impact on chronic disease and public health; (6) monitors progress toward achieving agency and division goals and objectives and assesses the impact of programs; and (7) facilitates cross-functional activities and operations across CDC and in coordination with

other federal agencies, partners, and constituencies.

Nutrition Branch (CUCHC). (1) Provides technical and subject matter expertise and training for state and community programs on policy, systems and environmental approaches related to nutrition and obesity; (2) plans, coordinates, and conducts surveillance activities in domestic and international settings to assess nutrition practices, food systems, and behavioral risks in children, adolescents, and adults; (3) analyzes, interprets, and disseminates data from surveys, surveillance activities, and epidemiologic studies related to nutrition and nutrition factors affecting chronic disease; (4) designs, implements, and evaluates epidemiologic studies and intervention projects for domestic and international application to address nutrition; (5) plans, coordinates, and conducts nutrition research and surveillance of policy and environmental strategies and interventions; (6) develops and disseminates nutrition guidelines and recommendations for maternal and child health, child growth and development, and prevention/reduction of chronic disease; (7) designs and evaluates nutrition and obesity interventions; (8) provides nutrition expertise and consultation to develop and promote health communication strategies; (9) coordinates cross-functional nutrition-related activities across CDC; and (10) coordinates and collaborates with appropriate federal agencies, national and international organizations, and other partners.

Physical Activity and Health Branch (CUCHD). (1) Provides technical and subject matter expertise and training for state and community programs on policy, systems and environmental approaches related to physical activity; (2) plans, coordinates, and conducts surveillance to assess levels of physical activity as well as determinants of physical activity; (3) conducts epidemiologic research related to physical activity and its impact on health, obesity, and chronic disease; (4) designs and evaluates physical activity and obesity interventions; (5) develops evidence-based guidelines and recommendations for physical activity; (6) provides physical activity expertise and consultation to develop and promote health communication strategies; (7) coordinates cross-functional physical activity-related activities across CDC; and (8) coordinates and collaborates with appropriate federal agencies, national and international organizations, and other partners.

Obesity Prevention and Control Branch (CUCHG). (1) Provides technical and subject matter expertise and training for state and community programs on policy, systems and environmental approaches related to nutrition, physical activity, and obesity; (2) plans, coordinates, and conducts surveillance to assess levels of healthy weight, overweight, and obesity and associated risk factors; (3) conducts research that utilizes data from surveys, surveillance activities, and nutrition and physical activity epidemiologic studies related to overweight and obesity and associated risk factors; (4) designs and evaluates nutrition, physical activity and obesity interventions; (5) develops and disseminates guidelines and recommendations for policy and environmental changes in multiples settings; (6) provides nutrition, physical activity and obesity expertise and consultation to develop and promote health communication strategies; (7) coordinates cross-functional obesity-related activities across CDC; and (8) coordinates and collaborates with appropriate federal agencies, national and international organizations, and other partners.

Program Development and Evaluation Branch (CUCHH). (1) Provides technical and subject matter expertise and training for state and community programs on translation, implementation and evaluation of policy, systems, and environmental strategies for nutrition, physical activity, obesity, and other chronic disease risk factors to reduce health disparities; (2) designs and conducts applied research, evaluation, and translation activities related to nutrition, physical activity, obesity prevention, and other chronic disease risk factors to reduce health disparities; (3) coordinates and uses research, guidelines, and recommendations to develop and disseminate evidence-based interventions and promising practices that support improved physical activity, nutrition, and healthy weight; (4) conducts behavioral and communications research to understand knowledge, attitudes, and beliefs and achieve healthy behavior changes in populations; and (5) coordinates and collaborates with appropriate federal agencies, national and international organizations, and other partners.

Division of Reproductive Health (CUCJ). Promotes optimal and equitable health in women and infants through public health surveillance, research, leadership, and partnership to move science to practice. In carrying out this mission, the Division of Reproductive

Health: (1) Enhances the ability of others to identify and address reproductive, pregnancy and infant health issues by providing technical assistance, consultation, and training worldwide; (2) supports national and state-based surveillance systems to monitor trends and investigate health issues; (3) conducts epidemiologic, behavioral, and health services research; and (4) works with partners to translate research findings into health care practice, public health policy, and health promotion strategies.

Office of the Director (CUCJ1). (1) Establishes and interprets policies; (2) determines program priorities; (3) plans division activities including the organization of personnel and the use of financial resources; (4) leads and coordinates policy and partnership activities; (5) provides leadership to the division for health communication efforts, including developing health communication campaigns and managing web content; (6) provides technical assistance and scientific leadership in areas of epidemiology, surveillance, and economic analysis; (7) establishes standards for quality control of studies and pilot projects; (8) monitors progress toward achieving program objectives; (9) assesses the impact of the division's activities on improved pregnancy outcomes and improved reproductive health of adults; (10) reports accomplishments, future directions, and resource requirements; (11) coordinates activities within the division and other units of NCCDPHP and CDC and with other agencies in the public and private sectors; and (12) represents the division at official professional and scientific meetings.

Maternal and Infant Health Branch (CUCJB). (1) Conducts surveillance, epidemiologic research, and implementation science to examine and evaluate health problems, programs, and policies related to maternal and infant health with particular emphases on maternal and infant morbidity and mortality surveillance and prevention; (2) consults with other CDC programs to address maternal and infant health-related issues with a special emphasis on chronic diseases as they relate to pregnancy, pregnancy complications and adverse birth outcomes; (3) provides technical assistance, consultation, and training to local, State, and Federal agencies, universities and other related governmental and non-governmental organizations on maternal and infant health-related problems; (4) serves as a primary Federal resource of technical assistance and expertise in surveillance, epidemiology, and behavioral research to inform maternal

and infant health practice guidelines and recommendations; and (5) considers the consequences of subfertility and infertility on the health of women and the infants conceived through infertility services.

Women's Health and Fertility Branch (CUCJE). (1) Conducts population-based surveillance of maternal health, behaviors, and experiences that occur before, during, and after pregnancy, and uses survey and surveillance data to monitor health-related indicators and performance measure; (2) develops and conducts research on access to reproductive health care and receipt of services; (3) conducts research on the relationship between contraception and medical conditions including chronic and infectious diseases; (4) develops, evaluates, and disseminates recommendations and guidelines for reproductive health practice; and (5) collaborates with other CDC offices, state and national agencies, and professional organizations on research, public health surveillance, and evaluation to promote women's and infant's health and prevent unintended and teen pregnancy.

Field Support Branch (CUCJG). (1) Assists domestic and international health agencies in health services management, health services research, emergency preparedness, and translation of findings by providing technical assistance, including training, analytical assistance, and consultation; (2) builds epidemiology capacity in state, tribal, and urban maternal and child health (MCH) organizations; (3) partners with states, tribes, local and national MCH organizations, and federal agencies to improve maternal and child health; (4) collaborates with programs both inside and outside of CDC on reproductive, maternal and child health such as CDC's Epidemic Intelligence Service (EIS), Field Epidemiology Training Program (FETP), Council of State and Territorial Epidemiologists (CSTE) and CDC's Office of Public Health Preparedness and Response; and (5) provides technical assistance and expertise in reproductive, maternal, infant and perinatal health programs.

Office on Smoking and Health (CUCL). (1) Administers programs to inform Americans about the dangers of tobacco use in order to reduce death and disability due to smoking and smokeless tobacco use; (2) promotes and stimulates research on the determinants and health effects of smoking and smokeless tobacco use; (3) coordinates all PHS research and educational programs and other HHS activities related to tobacco and health; (4) establishes and maintains liaison with other federal

agencies, private organizations, state and local governments, and international agencies on matters related to tobacco and health; (5) serves as a clearinghouse for the collection, organization, and dissemination of data and associated information on all aspects of tobacco and health; (6) develops materials on tobacco use in relation to health; (7) provides assistance for educational programs and trainings on smoking and health; (8) produces Congressionally mandated reports to Congress; (9) conducts surveys, and coordinates and conducts epidemiologic studies related to tobacco use and tobacco control; (10) provides staff support for a congressionally mandated federal advisory committee on smoking and health; (11) collects, maintains, and analyzes information provided by the tobacco industry on cigarette additives and smokeless tobacco additives and nicotine content pursuant to Public Laws 98-474 and 99-252; (12) serves as a World Health Organization (WHO) Collaborating Center on Smoking and Health; (13) serves as the lead HHS organization for the Objectives for the Nation related to smoking and health; and (14) provides staff support to the Surgeon General on activities related to smoking and health.

Office of the Director (CUCL1). (1) Manages, directs, coordinates, and evaluates the activities of the Office on Smoking and Health (OSH); (2) develops goals and objectives for the office; (3) provides leadership, scientific oversight, and guidance in program planning and development; (4) coordinates the development of policy related to tobacco use and health in CDC, PHS, and HHS; (5) coordinates assistance to other CDC components; federal, state, and local government agencies; the private sector; and other nations; (6) stimulates additional research and program activity related to tobacco use and health by other federal agencies, international organizations, and public and private organizations; (7) coordinates the OSH public information program, technical information program, and surveillance and epidemiologic projects and studies; (8) provides program management and administrative support services; (9) serves as the lead for the Healthy People Tobacco Use Objectives for the Nation; (10) collects and maintains information provided by the tobacco industry on cigarette additives and smokeless tobacco additives and nicotine content; (11) provides staff support for a Congressionally-mandated federal advisory committee on smoking and health; (12) serves as the principal

adviser to the Surgeon General of the U.S. Public Health Service on all activities related to tobacco use and health, including the Surgeon General's Reports on Tobacco; (13) serves a leading role in providing proactive media outreach and media, health professionals, and the general public with information on tobacco prevention and control issues; (14) provides leadership, coordination, and guidance to the division in advancing health equity and eliminating commercial tobacco related health disparities; and (15) manages/leads and cultivates partnerships.

Epidemiology Branch (CUCLB). (1) Conducts epidemiologic surveillance, research, and evaluations related to tobacco prevention and control; (2) analyzes existing data sources, primarily national surveys conducted by the Office on Smoking and Health and other federal agencies; (3) provides technical and scientific assistance to researchers, health departments, and other health professionals interested in performing specialized data collection or analyses related to smoking and tobacco use; (4) reviews and evaluates epidemiologic studies on the health effects and determinants of tobacco use; (5) develops new methods and techniques for assessing the health effects and determinants of tobacco use; (6) monitors trends in tobacco use prevalence, economic costs, morbidity, and mortality attributable to tobacco use; (7) conducts joint projects with federal agencies, voluntary organizations, state health departments, and others involved in tobacco prevention and control; (8) develops and produces publications on current epidemiologic science of tobacco use and control; (9) conducts process, outcome and impact evaluation of comprehensive tobacco control programs and policies; conceives, conducts, analyzes and publishes evaluation manuals, reports, and papers; and (10) provides evaluation technical assistance to the National Tobacco Control Programs.

Health Communications Branch (CUCLC). (1) Plans, develops, implements and evaluates national tobacco education campaigns; (2) provides internal and external evidenced-based health communication technical assistance to awardees and partners; (3) manages web and social media activities for the OSH; (4) develops and maintains the Media Campaign Resource Center and the Publication Catalog Ordering System; (5) supports the promotion of Surgeon General's reports and other reports on tobacco use and health; (6) manages

internal OSH communication requests for web, writing/editing, presentation development, publication requests, social media, and stock image requests; (7) oversees mailing lists management, and OSH conference exhibits; and (8) collaborates with other groups within CDC and HHS, and with other federal agencies, as well as other professional, voluntary, international, and professional health organizations.

Program Services Branch (CUCLD). (1) Provides technical consultation, assistance, and training to local, state, regional, and national organizations and agencies in all components of tobacco prevention and control; (2) monitors and tracks program activities in state-based chronic disease prevention and control programs; (3) recruits, trains, and supervises project officers working with state and local health departments, as well as local, state, regional, and national organizations and agencies to implement tobacco control programs; (4) coordinates and provides consultation to local, state, regional, and national training opportunities that facilitate planning, development, and implementation of tobacco control initiatives; (5) assists in training, providing technical assistance, and disseminating information to leaders, decision makers and program managers; and (6) coordinates the collection of data from state and local programs to monitor national progress toward the cessation and prevention of tobacco use.

Global Tobacco Control Branch (CUCLE). (1) Strengthens global tobacco surveillance systems to monitor the global tobacco epidemic in partnership with other federal agencies, international organizations, the private sector and other components of CDC; (2) advances research to promote effective tobacco control programs; (3) translates data to action; (4) increases country and regional capacity to plan, develop, implement, and evaluate comprehensive tobacco control efforts; (5) strengthens partnerships to leverage resources for efficient and sustainable tobacco control initiatives; (6) serves as a WHO Collaborating Center for Global Tobacco Surveillance; and (7) serves as the designated Data Coordinating Center and depository of the Global Tobacco Surveillance System data.

Division for Heart Disease and Stroke Prevention (CUCM). (1) Plans, directs, and coordinates programs to reduce morbidity, risk factors, costs, disability, mortality, and disparities associated with heart disease, stroke, and other cardiovascular disease outcomes; (2) provides national leadership, technical assistance, expert consultation, and training to state and local health

agencies in intervention, surveillance, evaluation, and communication or marketing activities related to implementing state programs, registries, and other surveillance systems associated with reducing and preventing cardiovascular disease outcomes; (3) implements surveillance systems and conducts surveillance of outcomes and utilization of health care and prevention resources related to heart disease, stroke, high blood pressure, high cholesterol, and other cardiovascular disease to monitor trends and evaluate program impact on morbidity, mortality, risk factor improvement, cost, disability, and disparities; (4) conducts epidemiologic studies and disseminates findings to identify emerging risk factors with potential for prevention and control strategies; (5) conducts prevention research studies and disseminates findings to identify and evaluate the feasibility and effectiveness of potential prevention and control strategies in health care systems and at the community level; (6) identifies, implements, and evaluates programs to prevent and control heart disease, stroke, high blood pressure, high cholesterol, other cardiovascular disease outcomes, and disparities through the translation and communication of best practices in health care and risk factor prevention into widespread health systems policies and community changes; (7) collaborates with other cardiovascular health related activities at CDC; (8) maintains collaborative relationships with public and private sector organizations, academic institutions, or other groups involved in the prevention and control of heart disease, stroke, and other cardiovascular diseases or risk factors; and (9) provides technical assistance and consultation to other nations and to the WHO in the global prevention and control of cardiovascular disease.

Office of the Director (CUCM1). (1) Provides leadership and direction in establishing division priorities, strategies, programs and policies; (2) plans and directs resources and activities in alignment with division goals and objectives; (3) monitors progress toward achieving division objectives and assessing impact of programs; (4) insures that division activities are coordinated with other components of CDC both within and outside the center, with federal, state and local agencies, and related voluntary and professional organizations; (5) provides national leadership in coordinating and implementing activities that prevent heart disease and stroke; (6) educates

the general public, key decision-makers, healthcare professionals, businesses and communities about the importance of and opportunities to prevent heart disease and stroke; (7) serves as co-lead for Healthy People heart disease and stroke objectives for the nation; (8) develops and produces communication tools to meet the needs of division programs and mission; (9) develops health communication campaigns at the national and state levels; (10) provides leadership to the division for health communication efforts; (11) provides administrative and management support for division activities; (12) reports accomplishments, future directions and resource requirements; and (13) represents the division at official professional and scientific meetings.

Epidemiology and Surveillance Branch (CUCMB). (1) Monitors the epidemiology of cardiovascular disease risk factors, behaviors, outcomes, costs, barriers, awareness, access to care, geographic variations and disparities; (2) prepares routine surveillance reports of national and state trends in cardiovascular disease risk factors, behaviors, outcomes, and disparities, which includes the mapping of geographic variations; (3) coordinates, manages, and maintains the activities of the National Cardiovascular Disease Surveillance System, including the Data Trends & Maps website, the Interactive Atlas website, surveillance summaries, and research publications; (4) develops, designs, implements, and evaluates new cardiovascular disease registries and other surveillance systems that address gaps in existing CDC surveillance systems; (5) prepares epidemiologic and scientific papers for publication in medical and public health journals and for presentation to national public health and scientific conferences on surveillance and epidemiologic findings; (6) identifies, investigates, implements, and evaluates new surveillance methodologies and technologies that involve electronic data abstraction and transfer to state and national registries and spatial analysis; (7) proposes and serves as technical advisors and project officers for epidemiologic research projects that fill gaps in surveillance and intervention and investigates emerging risk factors that will lead to the prevention of cardiovascular disease and the elimination of disparities in cardiovascular disease; (8) serves as scientific and technical experts in cardiovascular disease epidemiology and surveillance methodology to state health departments and to advisory groups as the national/international

level; (9) provides scientific leadership in the development, extension, and improvement of surveillance systems, epidemiologic strategies, and/or service to cardiovascular health programs; (10) facilitates integration of epidemiology and surveillance across the division; and (11) provides leadership in population health management by describing the characteristics of public health and health care systems, understanding enhancing quality improvement efforts by health providers and systems, and proposing methods to take advantage of policy and payment structure changes for the improvement of cardiovascular health of the nation.

Applied Research and Evaluation Branch (CUCMC). (1) Plans, develops, and implements projects related to applied research, program evaluation, and health economics research; (2) prepares scientific papers for publication in public health journals and for presentation at national and international conferences, meetings and seminars on applied research, program evaluation, and health economics research; (3) synthesizes and translates a body of best science and practice that can be applied to various public health settings; (4) prepares and disseminates products that translate applied research, program evaluation, and health economics science to state programs and others; (5) implements a comprehensive division evaluation plan addressing all facets of division activities, including state-based program evaluation, research evaluation, and evaluation training needs; (6) provides applied research, evaluation, and health economics expertise, technical assistance and training to the division, center, CDC, and national and international partners; and (7) implements demonstration and pilot projects with state programs and others to put research into practice.

Program Development and Services Branch (CUCMD). (1) Provides programmatic leadership and support for prevention and control of heart disease, stroke, and related risk factors in states, territories, tribes and local jurisdictions; (2) provides comprehensive technical advice and assistance in planning, implementing and evaluating strategies to prevent and control heart disease, stroke, and related risk factors through policy, systems, environmental changes; (3) provides program policies and guidance outlining CDC's role and the national goals and objectives related to heart disease and stroke prevention; (4) provides technical assistance to grantees on implementation of evidence- and practice-based interventions with greatest reach and impact and potential

to be taken jurisdiction wide; (5) provides technical assistance to enhance coordination across chronic diseases to ensure that heart disease and stroke prevention planning and implementation optimize collaboration across chronic disease interventions; (6) provides leadership and technical expertise, in policy and system change, health disparities, healthcare, worksite and community interventions to prevent and control heart disease, stroke and related risk factors; (7) provides leadership and technical expertise in women's cardiovascular health, health disparities and healthcare interventions for cardiovascular primary and secondary prevention programs as it relates to the Well-Integrated Screening and Evaluation for Women Across the Nation (WISEWOMAN) Program; (8) facilitates programmatic coordination across the division, center, CDC to address heart disease and stroke prevention; (9) works with national partners to encourage policy and systems changes and other actions supportive of CDC and grantee work to prevent and control heart disease, stroke and related risk factors; (10) reviews and monitors cooperative agreements and contract; (11) serves as technical experts in the implementation of policy systems, and environmental strategies for health promotion and the prevention and control of heart disease, stroke, and related risk factors for grantees and others within CDC and with partners; (12) provides comprehensive training expertise, including distance learning, training seminars, meetings, how-to-tools, promising practices documents, and other materials to promote the prevention of heart disease and stroke and assist grantees with planning, implementing, and replicating interventions; (13) monitors management information systems for heart disease and stroke prevention efforts to assess progress toward achieving division and center goals; (14) obtains, analyzes and disseminates data from interventions to develop operational strategies to encourage replication of promising program practices; (15) provides technical assistance on use of data for program planning and priority setting, including addressing specific populations with documented health disparities; (16) ensures products developed across the division for grantees are appropriate and supportive of priority work; and (17) provides forums for grantees to ensure rapid spread of promising practices and lessons learned.

Division of Population Health (CUCP). (1) Delivers state-based and local level

data on chronic disease, risk factors and conditions; (2) focuses on population-based strategies to address specific health outcomes within particular groups (e.g., healthy tribes, healthy aging, etc.) and settings (e.g., healthy schools); (3) advances the use of innovative data analytics, prevention research, and evidence-based practices; (4) provides national and international leadership in coordinating and implementing priorities and activities of the division; (5) supports epidemiologic and surveillance activities, training and intervention activities to promote population health and support the development of state chronic disease program capacity; (6) collaborates with CDC divisions and programs, federal, state, and local government agencies; tribes, territories, and with national partner organizations; and (7) advances health equity among populations disproportionately affected by chronic diseases, social determinants of health, and associated risk factors.

Office of the Director (CUCP1). (1) Manages, coordinates, and evaluates the activities and programs of the division; (2) ensures that division activities are coordinated with other components of CDC, with federal, state, and local government agencies, and with voluntary and professional entities; (3) provides national leadership and technical assistance on population health surveillance, small area estimation, prevention research, healthy aging including Alzheimer's and Arthritis, healthy schools, healthy tribes, Epilepsy, excessive alcohol use, Lupus, and social emotional health; (4) provides scientific oversight and strategic guidance of division programmatic, surveillance, and research activities; (5) provides administrative and management support for the division including guidance and logistics for personnel, including field staff; the use of financial resources; and oversight of grants, cooperative agreements, contracts, and reimbursable agreements; (6) provides leadership and technical assistance to partners to translate science and research into public health practice to improve population health; (7) provides strategic guidance and coordination of policy, issues management, and program and partnership development activities; (8) coordinates and supports division-wide communication and policy needs; and (9) supports the professional growth and development of all staff to build staff skills, knowledge, and expertise, and promote experience.

Prevention Research and Translation Branch (CUCPB). (1) Provides leadership, management, and

coordination related to the planning, implementation, and evaluation of prevention research, research translation, and public health practice and policy development to address national health priorities, including leading causes of death, chronic diseases, and social determinants of health; (2) develops and manages funding mechanisms that allow programs across CDC fund applied public health research and translation that provide evidence that contributes to achieving specific programmatic goals; and (3) supports the research, dissemination, translation, and promotion of innovative and cross-cutting public health interventions, programs, and policies that improve physical, mental, and social dimensions of health and quality of life of people in community settings and workplaces, and through community and clinical partnerships.

Healthy Aging Branch (CUCPC). (1) Directs and supports program activities that improve quality of life and reduce chronic pain and disability; improve access to and availability of appropriate health care, evidence-based self-management approaches, and interventions; and enhance policies, environments, and referral systems for adults with arthritis; (2) directs and supports program activities that promote brain and cognitive health; improve risk reduction activities; increase early detection and access to appropriate health care; improve systems that support caregivers; and reduce preventable hospitalizations for adults with Alzheimer's disease or related dementias; (3) develops, collects, and reports epidemiologic surveillance measures; develops and evaluates programs, policies, interventions, and referral systems to enhance local, state, and tribal public health capacity; and promotes national public health action for arthritis, cognitive decline, Alzheimer's disease, related dementias, and other unaddressed chronic conditions of an aging population; and (4) develops and disseminates health promotion and disease prevention programs, communication messages and materials, and public health information that address prevention and interventions, social determinants of health, rural health issues, and racial/ethnic disparities in an aging U.S. population.

Epidemiology and Surveillance Branch (CUCPE). (1) Provides support to build national, state, and local public health capacity in epidemiology and surveillance to monitor chronic conditions and risk factors for public health programs and decision making;

(2) develops and applies spatial analytic and small area estimation methods to identify geographic variations in chronic disease conditions and related risk factors for public health programming and decision making; (3) provides public health leadership in the prevention of excessive alcohol use and other chronic disease risk factors through public health surveillance, partnerships, and applied research for translation into public health practice; (4) provides public health leadership for epilepsy and other chronic conditions with significant impact on quality of life through surveillance and epidemiologic research, partnerships, applied research and translation, and development and evaluation of programs and interventions in order to expand the reach of evidence-based programs and practices and improve quality of life; and (5) conducts strategic and innovative scientific research on lupus and other evolving and cross-cutting disease issues including determining the burden, developing pilot programs and assessing effectiveness of public health approaches, and works with national, state and local partners to increase awareness, advance knowledge, and inform public health and health care practice.

Healthy Schools Branch (CUCPG) (1) Supports state, local, territorial, and tribal agencies and national non-governmental organizations to develop, implement, evaluate, and disseminate school policy, systems, and environmental strategies and interventions to improve the health of students and school staff by promoting healthy eating, physical activity, and a tobacco-free lifestyle; (2) supports implementation and evaluation of a coordinated approach to school health and best practices in health education; physical education and other physical activity programs; nutrition services; school health services; school counseling, psychological, and social services; health promotion for staff; family and community involvement; and school health and safety policies and environment; (3) provides leadership and consultation on how schools work and how to foster effective collaboration between the public health and education sectors; (4) documents and strengthens the scientific associations among chronic disease-related health risks, school-based health promotion initiatives, and academic achievement; (5) evaluates school-based policy, systems, and environmental changes and interventions to improve health behaviors and reduce chronic disease-related health risks among

children and adolescents; (6) synthesizes and translates scientific research to develop and disseminate guidance, tools, and resources to help schools prevent chronic disease-related risks among children and adolescents; (7) supports efforts of national, state, and local surveillance systems to monitor chronic disease-related health risk behaviors among youth, along with the policies, programs, and practices schools implement to address those health risk behaviors; (8) strengthens efforts of national, state, and local programs to provide high quality professional development services to support school-based chronic disease prevention policies, programs, and practices; (9) in accomplishing the functions listed above, collaborates with other components of CDC and HHS; the U.S. Department of Education, U.S. Department of Agriculture, and other federal agencies; national professional, voluntary, and philanthropic organizations; international agencies; and other organizations as appropriate; and (10) assists other nations in reducing chronic disease-related health risks among children and adolescents and in implementing and improving school health programs.

Population Health Surveillance Branch (CUCPH). (1) Plans and directs all activities related to the Behavioral Risk Factor Surveillance System (BRFSS), the nation's premier system of health surveys that collect state data about United States residents regarding their health-related risk behaviors, chronic health conditions, and use of preventive services; (2) coordinates BRFSS surveillance activities across all states and CDC programs; (3) provides support to build state capacity for BRFSS survey operations, data management, analysis, dissemination, and use of the data by state agencies to set public health priorities and monitor public health programs; (4) develops guidelines and criteria for the enhancement of behavioral risk factor surveys at the state and local levels; (5) delivers timely health data of high validity and reliability to states, CDC scientists, the national public health community, and the general public; (6) supports and enhances analysis and dissemination of information from the BRFSS to promote the broad use and application of BRFSS results and findings by policy and decision makers, public health professionals, and other relevant audiences through communication channels and formats appropriate to these constituencies; (7) plans and coordinates cross cutting research related to survey methodology;

(8) provides scientific leadership and guidance to surveillance programs to assure highest scientific quality and professional standards related to BRFSS; (9) provides leadership to CDC, states and other organizations to support effective and flexible population health surveillance, including rapidly emerging public health issues and threats; and (10) provides administrative and management support, as required, for states and territories including oversight of BRFSS and other grants, cooperative agreements, and reimbursable agreements.

Retitle *HIV Surveillance (CVJCE)* to HIV Surveillance Branch.

Retitle *HIV Prevention Capacity and Development Branch (CVJCH)* to HIV Prevention Capacity Development Branch.

Dia Taylor,

Chief Operating Officer (Acting), Centers for Disease Control and Prevention.

[FR Doc. 2021-14341 Filed 7-2-21; 8:45 am]

BILLING CODE 4160-18-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Community Living

Reallotment of FY 2021 Funds: Puerto Rico

AGENCY: Administration on Disabilities (AoD), Administration for Community Living (ACL), U.S. Department of Health and Human Services (HHS).

ACTION: Notice of reallotment of FY 2021 funds.

SUMMARY: The Administration on Disabilities (AoD) intends to reallot funds under the authority of the Development Disabilities Assistance and Bill of Rights Act of 2000 which states: "If the Secretary determines that an amount of an allotment to a State for a period (of a fiscal year or longer) will not be required by the State during the period for the purpose for which the allotment was made, the Secretary may reallot the amount."

DATES: Funds will be reallotted after August 13, 2021 and before September 30, 2021.

FOR FURTHER INFORMATION CONTACT: Allison Cruz, Office of Intellectual and Developmental Disabilities, Administration on Disabilities, Administration for Community Living, 330 C St. SW, Washington, DC 20201. Telephone (202) 795-7408. Email allison.cruz@acl.hhs.gov. Please note the telephone number is not toll free. This document will be made available in alternative formats upon request.

Written correspondence can be sent to Administration for Community Living, U.S. Department of Health and Human Services, 330 C St. SW, Washington, DC 20201.

SUPPLEMENTARY INFORMATION: AoD will be reallocating FY 2021 funds awarded to the State Council on Developmental Disabilities (SCDD) located within the Commonwealth of Puerto Rico. This determination is based on the limited reported expenditures and requests for reimbursement over the last several years from the SCDD in the Commonwealth of Puerto Rico.

The Puerto Rico SCDD will have up to \$1.8 million rescinded and proportionately redistributed to the remaining SCDDs. SCDDs that receive FY 2021 reallocated funds will have through the end of FY 2022 to obligate the funds and until the end of FY 2023 to liquidate the funds. Reallocated funds for the SCDDs must be used according to the terms as outlined in the FY 2021 Notice of Award for each program.

Jennifer G. Johnson,

Deputy Commissioner, Administration on Disabilities.

[FR Doc. 2021-14314 Filed 7-2-21; 8:45 am]

BILLING CODE 4154-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Complementary & Integrative Health; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Center for Complementary and Integrative Health Special Emphasis Panel; Center of Excellence for Research on Complementary and Integrative Health (P01) (CERCIH).

Date: July 30, 2021.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Center for Complementary and Integrative Democracy, 6707 Democracy Blvd., Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Martina Schmidt, Ph.D., Chief Office of Scientific Review, National Center for Complementary & Integrative Health, NIH, 6707 Democracy Blvd., Suite 401, Bethesda, MD 20892, 301-594-3456, schmidma@mail.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.213, Research and Training in Complementary and Alternative Medicine, National Institutes of Health, HHS)

Dated: June 29, 2021.

Tyeshia M. Roberson-Curtis,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021-14281 Filed 7-2-21; 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; Platelets and Red Blood Cells.

Date: July 14, 2021.

Time: 11:00 a.m. to 1:00 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: Ai-Ping Zou, MD, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4118, MSC 7814, Bethesda, MD 20892, 301-408-9497, zouai@csr.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.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member conflict: Topics in Adult Psychopathology.

Date: July 30, 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: Alyssa Todaro Brooks, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institute of Health, 6701 Rockledge Drive, Room 1000F, Bethesda, MD 20892, (301) 827-9299, brooksaly@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 29, 2021.

David W. Freeman,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021-14279 Filed 7-2-21; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Complementary & Integrative Health; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Center for Complementary and Integrative Health Special Emphasis Panel; Exploratory Clinical Trials of Mind and Body Interventions (MB).

Date: July 29, 2021.

Time: 12:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Center for Complementary and Integrative, Democracy II, 6707 Democracy Blvd., Bethesda, MD 20892 (Virtual Meeting).

Contact Person: SUSHMITA Purkayastha, Ph.D., Scientific Review Officer, Office of Scientific Review, Division of Extramural Activities, NCCIH/NIH, 6707 Democracy Boulevard, Suite 401, Bethesda, MD 20892-5475 sushmita.purkayastha@nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.213, Research and Training

in Complementary and Alternative Medicine, National Institutes of Health, HHS)

Dated: June 29, 2021.

Tyeshia M. Roberson-Curtis,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–14282 Filed 7–2–21; 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 Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the National Advisory Neurological Disorders and Stroke Council.

The meeting will be open to the public. Individuals who plan to participate and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Advisory Neurological Disorders and Stroke Council.

Date: September 9–10, 2021.

Open: September 9, 2021, 1:00 p.m. to 5:30 p.m.

Agenda: Report by the Director, NINDS; Report by the Director, Division of Extramural Activities; Administrative and Program Developments; and Overview of the NINDS Intramural Program.

Open session will be videocast from this link: <https://videocast.nih.gov/>.

Closed: September 10, 2021, 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Closed: September 10, 2021, 5:00 p.m. to 5:30 p.m.

Agenda: To review and evaluate the Division of Intramural Research Board of Scientific Counselors' Reports.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Blvd., Rockville, MD 20852 (Virtual Meeting).

Contact Person: Robert Finkelstein, Ph.D., Director of Extramural Research, National

Institute of Neurological Disorders and Stroke, NIH, 6001 Executive Blvd., Suite 3309, MSC 9531, Rockville, MD 20852, (301) 496–9248, finkelsr@ninds.nih.gov.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice at least 10 days in advance of the meeting. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

Information is also available on the Institute's/Center's home page: www.ninds.nih.gov, where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.853, Clinical Research Related to Neurological Disorders; 93.854, Biological Basis Research in the Neurosciences, National Institutes of Health, HHS)

Dated: June 29, 2021.

Tyeshia M. Roberson-Curtis,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–14283 Filed 7–2–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2008–0010]

Board of Visitors for the National Fire Academy

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Committee management; notice of open federal advisory committee meeting.

SUMMARY: The Board of Visitors for the National Fire Academy (Board) will meet virtually on Tuesday, August 31, 2021. The meeting will be open to the public.

DATES: The meeting will take place on Tuesday, August 31, 2021, 10:00 a.m. to 4:00 p.m. EDT. Please note that the meeting may close early if the Board has completed its business.

ADDRESSES: Members of the public who wish to participate in the virtual conference should contact Deborah Gartrell-Kemp as listed in the **FOR FURTHER INFORMATION CONTACT** section by close of business August 23, 2021, to obtain the call-in number and access code for the August 31st virtual meeting. For more information on services for individuals with disabilities or to request special assistance, contact Deborah Gartrell-Kemp as soon as possible.

To facilitate public participation, we are inviting public comment on the issues to be considered by the Board as listed in the **SUPPLEMENTARY INFORMATION** section. Participants seeking to have their comments considered during the meeting should submit them in advance or during the public comment segment. Comments submitted up to 30 days after the meeting will be included in the public record and may be considered at the next meeting. Comments submitted in advance must be identified by Docket ID FEMA–2008–0010 and may be submitted by one of the following methods:

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

- *Electronic Delivery:* Email Deborah Gartrell-Kemp at Deborah.GartrellKemp@fema.dhs.gov no later than August 25, 2021, for consideration at the August 31, 2021 meeting.

Instructions: All submissions received must include the words “Federal Emergency Management Agency” and the Docket ID for this action. Comments received will be posted without alteration at <http://www.regulations.gov>, including any personal information provided.

Docket: For access to the docket to read background documents or comments received by the National Fire Academy Board of Visitors, go to <http://www.regulations.gov>, click on “Advanced Search,” then enter “FEMA–2008–0010” in the “By Docket ID” box, then select “FEMA” under “By Agency,” and then click “Search.”

FOR FURTHER INFORMATION CONTACT:

Alternate Designated Federal Officer: Stephen Dean, telephone (301) 447–1271, email Stephen.Dean@fema.dhs.gov.

Logistical Information: Deborah Gartrell-Kemp, telephone (301) 447–7230, email Deborah.GartrellKemp@fema.dhs.gov.

SUPPLEMENTARY INFORMATION: The Board will meet virtually on Tuesday, August 31, 2021. The meeting will be open to the public. Notice of this meeting is given under the Federal Advisory Committee Act, 5 U.S.C. Appendix.

Purpose of the Board

The purpose of the Board is to review annually the programs of the National Fire Academy (Academy) and advise the Administrator of the Federal Emergency Management Agency (FEMA), through the United States Fire Administrator, on the operation of the Academy and any improvements therein that the Board

deems appropriate. In carrying out its responsibilities, the Board examines Academy programs to determine whether these programs further the basic missions that are approved by the Administrator of FEMA, examines the physical plant of the Academy to determine the adequacy of the Academy's facilities, and examines the funding levels for Academy programs. The Board submits a written annual report through the United States Fire Administrator to the Administrator of FEMA. The report provides detailed comments and recommendations regarding the operation of the Academy.

Agenda

On Tuesday, August 31, 2021, there will be four sessions, with deliberations and voting at the end of each session as necessary:

1. The Board will discuss United States Fire Administration Data, Research, Prevention and Response.
2. The Board will discuss deferred maintenance and capital improvements on the National Emergency Training Center campus and Fiscal Year 2022 Budget Request/Budget Planning.
3. The Board will deliberate and vote on recommendations on Academy program activities to include developments, deliveries, staffing, and admissions.
4. There will also be an update on the Board of Visitors Subcommittee Groups for the Professional Development Initiative Update and the National Fire Incident Report System.

There will be a 10-minute comment period after each agenda item and each speaker will be given no more than 2 minutes to speak. Please note that the public comment period may end before the time indicated following the last call for comments. Contact Deborah Gartrell-Kemp to register as a speaker. Meeting materials will be posted at <https://www.usfa.fema.gov/training/nfa/about/bov.html> by August 24, 2021.

Eriks J. Gabliks,

Superintendent, National Fire Academy,
United States Fire Administration, Federal
Emergency Management Agency.

[FR Doc. 2021-14352 Filed 7-2-21; 8:45 am]

BILLING CODE 9111-74-P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-7038-N-10]

60-Day Notice of Proposed Information Collection: Comprehensive Listing of Transactional Documents for Mortgagors, Mortgagees and Contractors; Federal Housing Administration (FHA) Healthcare Facility Documents: Proposed Revision of Information Collection; OMB Control No.: 2502-0605

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

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the revision of OMB Collection 2502-0605. HUD is proposing to remove from the collection Form HUD-90011t-ORCF, *Lender Narrative—Operating Loss Loan Section 232/223(d)—COVID*. All other forms currently approved in OMB Collection 2502-0605 remain unchanged and remain under the current expiration cycle of June 31, 2022. 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:* September 7, 2021.

ADDRESSES: Interested persons are invited to submit comments regarding this notice. Communications must refer to the above docket number and title. There are two methods for submitting public comments:

1. Submission of Comments by Mail. Comments may be submitted by mail to the Regulations Division, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street SW, Room 10276, Washington, DC 20410-0500.

2. Electronic Submission of Comments. Comments may be submitted electronically through the Federal eRulemaking Portal at www.regulations.gov. HUD strongly encourages commenters to submit comments electronically. Electronic submission of comments allows the commenter maximum time to prepare and submit a comment, ensures timely receipt by HUD, and enables HUD to make them immediately available to the public. Comments submitted electronically through the www.regulations.gov website can be viewed by other commenters and

interested members of the public. Commenters should follow the instructions provided on that site to submit comments electronically.

Note: To receive consideration as public comments, comments must be submitted through one of the two methods specified.

FOR FURTHER INFORMATION CONTACT: John M. Hartung, Director, Policy, Risk Management and Lender Relations Division, Office of Residential Care Facilities, Office of Healthcare Programs, Office of Housing, U.S. Department of Housing and Urban Development, 1222 Spruce Street, Room 3.203, St. Louis, MO 63103-2836; telephone (314) 418-5238 (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. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for a revision to an information collection. HUD is revising the information collection to remove Form HUD-90011t-ORCF, which was approved for use under the temporary Operating Loss Loan Section 232/223(d)—COVID program. The temporary Operating Loss Loan Section 232/223(d)—COVID program expires on August 31, 2021.

A. Overview of Information Collection

Title of Information Collection:
Comprehensive Listing of Transactional Documents for Mortgagors, Mortgagees and Contractors; Federal Housing Administration (FHA) Healthcare Facility Documents:

OMB Approval Number: 2502-0605.

OMB Expiration Date: August 31, 2021.

Type of Request: Revision of currently approved collection 2502-0605.

Form Number: HUD-9001-ORCF, HUD-9001a-ORCF, HUD-9001b-ORCF, HUD-9001c-ORCF, HUD-9001d-ORCF, HUD-9001e-ORCF, HUD-9001f-ORCF, HUD-9001g-ORCF, HUD-9001h-ORCF, HUD-9001i-ORCF, HUD-9002-ORCF, HUD-9003-ORCF, HUD-9004-ORCF, HUD-9005-ORCF, HUD-9005a-ORCF, HUD-9006-ORCF, HUD-9007-ORCF, HUD-9007a-ORCF, HUD-9009-ORCF, HUD-90010-ORCF, HUD-90011-ORCF, HUD-9444-ORCF, HUD-90012-ORCF, HUD-90013-ORCF, HUD-90014-ORCF, HUD-90015-ORCF, HUD-90016-ORCF, HUD-90017-ORCF, HUD-90018-ORCF, HUD-90021-ORCF, HUD-9442-ORCF, HUD-90023-ORCF, HUD-91123-ORCF,

HUD-91124-ORCF, HUD-91125-ORCF, HUD-91127-ORCF, HUD-91129-ORCF, HUD-92328-ORCF, HUD-92403-ORCF, HUD-92408-ORCF, HUD-92415-ORCF, HUD-92437-ORCF, HUD-92441-ORCF, HUD-92441a-ORCF, HUD-92442-ORCF, HUD-92448-ORCF, HUD-92450-ORCF, HUD-92452-ORCF, HUD-92452A-ORCF, HUD-92455-ORCF, HUD-92456-ORCF, HUD-92479-ORCF, HUD-92485-ORCF, HUD-92554-ORCF, HUD-93305-ORCF, HUD-95379-ORCF, HUD-2-ORCF, HUD-935.2D-ORCF, HUD-941-ORCF, HUD-9445-ORCF, HUD-9839-ORCF, HUD-90022-ORCF, HUD-90024-ORCF, HUD-91116-ORCF, HUD-91126-ORCF, HUD-91130-ORCF, HUD-92000-ORCF, HUD-92264a-ORCF, HUD-92434-ORCF, HUD-90020-ORCF, HUD-92322-ORCF, HUD-92211-ORCF, HUD-92331-ORCF, HUD-92333-ORCF, HUD-92335-ORCF, HUD-92337-ORCF, HUD-92339-ORCF, HUD-92340-ORCF, HUD-92341-ORCF, HUD-92342-ORCF, HUD-2205A-ORCF, HUD-91110-ORCF, HUD-91111-ORCF, HUD-91112-ORCF, HUD-91118-ORCF, HUD-91710-ORCF, HUD-92023-ORCF, HUD-92070-ORCF, HUD-92071-ORCF, HUD-92223-ORCF, HUD-92323-ORCF, HUD-92330-ORCF, HUD-92330A-ORCF, HUD-92420-ORCF, HUD-92435-ORCF, HUD-92466-ORCF, HUD-92466A-ORCF, HUD-92468-ORCF, HUD-94000-ORCF, HUD-94000-ORCF-ADD, HUD-94000B-ORCF, HUD-94001-ORCF, HUD-94001-ORCF-RI, HUD-9443-ORCF, HUD-91071-ORCF, HUD-91128-ORCF, HUD-92412-ORCF, HUD-92414-ORCF, HUD-92464-ORCF, HUD-92476-ORCF, HUD-92476B-ORCF, HUD-92476C-ORCF, HUD-91117-ORCF, HUD-91725-ORCF, HUD-91725-INST-ORCF, HUD-91725-CERT-ORCF, HUD-92325-ORCF, HUD-1044-D-ORCF, HUD-2537-ORCF, HUD-2747-ORCF, HUD-9250-ORCF, HUD-9807-ORCF, HUD-90019-ORCF, HUD-90029-ORCF, HUD-90030-ORCF, HUD-90031-ORCF, HUD-90032-ORCF, HUD-90033-ORCF, HUD-92080-ORCF, HUD-92117-ORCF, HUD-92228-ORCF, HUD-92266-ORCF, HUD-92266A-ORCF, HUD-92266B-ORCF, HUD-92417-ORCF, HUD-93332-ORCF, HUD-93333-ORCF, HUD-93334-ORCF, HUD-93335-ORCF, HUD-93479-ORCF, HUD-93480-ORCF, HUD-93481-ORCF, HUD-93486-ORCF, HUD-91116A-ORCF, HUD-92211A-ORCF, HUD-92323A-ORCF, HUD-92333A-ORCF, HUD-92338-ORCF, HUD-92340A-ORCF, HUD-92420A-ORCF, HUD-92434A-ORCF, HUD-92440-ORCF, HUD-92467-ORCF, HUD-92467A-

ORCF, HUD-94000A-ORCF, HUD-94001A-ORCF.

Description of the need for the information and proposed use: The issuance of this notice is modeled on the public review and input process that HUD utilized in the establishment of the healthcare facility documents for Section 232 of the National Housing Act (Section 232) program. On July 5, 2019, at 78 FR 16279, after solicitation of comment, HUD published in the **Federal Register** a notice that announced the approval of the healthcare facility documents under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520) (PRA) and an assignment of a control number, 2502-0605, by the Office of Management and Budget (OMB).

Respondents (i.e., affected public): 5,461.

Estimated Number of Respondents: 5,461.

Estimated Number of Responses: 26,225.

Frequency of Response: 708.

Average Hours per Response: 5.21.

Total Estimated Burden: 50,727.

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.

Janet M. Golrick,

Acting, Chief of Staff for the Office of Housing Federal Housing Administration.

[FR Doc. 2021-14322 Filed 7-2-21; 8:45 am]

BILLING CODE 4210-67-P

DEPARTMENT OF THE INTERIOR

Geological Survey

[GX21LR000F60100; OMB Control Number 1028-0062/Renewal]

Agency Information Collection Activities; Industrial Minerals Surveys

AGENCY: Geological Survey, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the U.S. Geological Survey (USGS) are proposing to renew an information collection.

DATES: Interested persons are invited to submit comments on or before September 7, 2021.

ADDRESSES: Send your comments on this information collection request (ICR) by mail to U.S. Geological Survey, Information Collections Officer, 12201 Sunrise Valley Drive, MS 159, Reston, VA 20192; or by email to gs-info_collections@usgs.gov. Please reference OMB Control Number 1028-0062 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Elizabeth S. Sangine by email at escottsangine@usgs.gov, or by telephone at 703-648-7720.

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995, we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

We are soliciting comments on the proposed ICR that is described below. We are especially interested in public comment addressing the following issues: (1) Is the collection necessary to the proper functions of the USGS; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the USGS enhance the quality, utility, and clarity of the information to be collected; and (5) how might the USGS minimize the burden of this collection on the respondents, including through the use 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 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: Respondents to these forms supply the USGS with domestic production and consumption data for industrial mineral commodities, some of which are considered strategic and critical, to assist in determining National Defense Stockpile goals. These data and derived information will be published as chapters in Minerals Yearbooks, monthly Mineral Industry Surveys, annual Mineral Commodity Summaries, and special publications, for use by Government agencies, industry, education programs, and the general public.

Title of Collection: Industrial Minerals Surveys.

OMB Control Number: 1028–0062.

Form Number: Various (38 forms).

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public:

Business or Other-For-Profit Institutions: U.S. nonfuel minerals producers and consumers of industrial minerals. Public sector: State and local governments.

Total Estimated Number of Annual Respondents: 14,610.

Total Estimated Number of Annual Responses: 17,053.

Estimated Completion Time per Response: For each form, we will include an average burden time ranging from 10 minutes to 5 hours.

Total Estimated Number of Annual Burden Hours: 11,726.

Respondent's Obligation: Voluntary.

Frequency of Collection: Monthly, Quarterly, Semiannually, or Annually.

Total Estimated Annual Non-hour Burden Cost: There are no “non-hour cost” burdens associated with this IC.

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 authorities for this action are the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the National Materials and Minerals Policy, Research and Development Act of 1980 (30 U.S.C. 1601 *et seq.*), the National Mining and Minerals Policy Act of 1970 (30 U.S.C.

21(a)), the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98 *et seq.*), and the Defense Production Act (50 U.S.C. 2061 *et seq.*).

Michael Magyar,

Associate Director, National Minerals Information Center, U.S. Geological Survey.

[FR Doc. 2021–14252 Filed 7–2–21; 8:45 am]

BILLING CODE 4338–11–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0032221; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Sam Noble Oklahoma Museum of Natural History, University of Oklahoma, Norman, OK

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Sam Noble Oklahoma Museum of Natural History (Museum) at the University of Oklahoma has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and associated funerary objects and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the Museum. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the Museum at the address in this notice by August 5, 2021.

FOR FURTHER INFORMATION CONTACT: Dr. Marc Levine, Associate Curator of Archaeology, Sam Noble Oklahoma Museum of Natural History, University of Oklahoma, 2401 Chautauqua Avenue, Norman, OK 73072–7029, telephone (405) 325–1994, email mlevine@ou.edu.

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the Sam Noble Oklahoma Museum of Natural History, University of Oklahoma, Norman, OK. The human remains and associated funerary objects were removed from Marshall County, OK.

This notice is published as part of the National Park Service’s administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Sam Noble Oklahoma Museum of Natural History professional staff in consultation with representatives of The Chickasaw Nation and The Choctaw Nation of Oklahoma.

History and Description of the Remains

On April 2, 1942, human remains representing, at minimum, one individual were removed from the Wheeler Farm site (34Ma23) in Marshall County, OK. The site was excavated by the Works Progress Administration under the direction of the University of Oklahoma, and the excavated materials were transferred to the Museum the same year. The human remains include a complete skeleton, probably male, 35–50 years old. No known individual was identified. The 77 associated funerary objects are: One historic coarse earthenware vessel, one ceramic pipe, 36 faunal bones, two brass hooks with small leather fragments of a firearm holster, three brass rivets, nine brass buttons, one brass small rivet with leather fragments still attached, two unidentified brass fragments, five iron buckles, three iron 4-holed buttons, one unidentified iron fragment, one iron butcher knife, one iron muzzle loading pistol, one iron ramrod for the pistol, one iron screw, one iron spoon (found inside the vessel), and eight leather fragments.

The Wheeler Farm Site is Historic in age (1830s–1870s). The site has been determined to be culturally affiliated with The Chickasaw Nation and The Choctaw Nation of Oklahoma, based on the location of the site, associated

diagnostic cultural materials, historical documentation, and information provided by the consulting Indian Tribes.

Determinations Made by the Sam Noble Oklahoma Museum of Natural History

Officials of the Sam Noble Oklahoma Museum of Natural History have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the 77 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects The Chickasaw Nation and The Choctaw Nation of Oklahoma.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Dr. Marc Levine, Associate Curator of Archaeology, Sam Noble Oklahoma Museum of Natural History, University of Oklahoma, 2401 Chautauqua Avenue, Norman, OK 73072-7029, telephone (405) 325-1994, email mlevine@ou.edu, by August 5, 2021. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to The Chickasaw Nation and The Choctaw Nation of Oklahoma may proceed.

The Sam Noble Oklahoma Museum of Natural History is responsible for notifying The Chickasaw Nation and The Choctaw Nation of Oklahoma that this notice has been published.

Dated: June 28, 2021.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2021-14312 Filed 7-2-21; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS-WASO-NAGPRA-NPS0032215; PPWOCRADNO-PCU00RP14.R50000]

Notice of Intent To Repatriate Cultural Items: Federal Bureau of Investigation, Art Theft Program, Washington, DC

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Federal Bureau of Investigation (FBI), in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, has determined that the cultural items listed in this notice meets the definition of sacred objects. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request to the FBI. If no additional claimants come forward, transfer of control of the cultural items to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim this cultural item should submit a written request with information in support of the claim to the FBI at the address in this notice by August 5, 2021.

FOR FURTHER INFORMATION CONTACT: Federal Bureau of Investigation, FBI Headquarters, Attn: Supervisory Special Agent Timothy Carpenter, Art Theft Program, 935 Pennsylvania Avenue NW, Washington, DC 20535, telephone (954) 931-3670, email artifacts@ic.fbi.gov.

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3005, of the intent to repatriate cultural items under the control of the Federal Bureau of Investigation, Washington, DC, that meet the definition of sacred objects under 25 U.S.C. 3001.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American cultural items. The National Park Service is not responsible for the determinations in this notice.

History and Description of the Cultural Items

At an unknown date, 12 sacred objects were acquired and transported to

Indiana, where they became part of a private collection of Native American antiquities, art, and cultural heritage. In the spring of 2014, these items were seized by the FBI as part of a criminal investigation. The 12 items are identified as catlinite pipes from the Swan Creek archeological site (39WW7), a known ancestral Arikara and Mandan village located on the Missouri River, in Walworth County, South Dakota. Based on information obtained during consultation with an official representative of the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota, and on archeological information contained in reports for the Swan Creek site, the FBI has determined that the pipes are culturally affiliated with that Indian Tribe.

Determinations Made by the Federal Bureau of Investigation

Officials of the Federal Bureau of Investigation have determined that:

- Pursuant to 25 U.S.C. 3001(3)(C), the 12 cultural items are specific ceremonial objects needed by traditional Native American religious leaders for the practice of traditional Native American religions by their present-day adherents.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the sacred objects and the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request with information in support of the claim to Federal Bureau of Investigation, FBI Headquarters, Attn: Supervisory Special Agent Timothy Carpenter, Art Theft Program, 935 Pennsylvania Avenue NW, Washington, DC 20535, telephone (954) 931-3670, email artifacts@ic.fbi.gov, by August 5, 2021. After that date, if no additional claimants have come forward, transfer of control of the sacred object to the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota may proceed.

The Federal Bureau of Investigation is responsible for notifying the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota that this notice has been published.

Dated: June 28, 2021.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2021-14308 Filed 7-2-21; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR**National Park Service**

[NPS-WASO-NAGPRA-NPS0032217;
PPWOCRADNO-PCU00RP14.R50000]

**Notice of Inventory Completion:
Michigan State University, East
Lansing, MI**

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: Michigan State University has completed an inventory of human remains in consultation with the appropriate Indian Tribes or Native Hawaiian organizations and has determined that there is no cultural affiliation between the human remains and any present-day Indian Tribes or Native Hawaiian organizations. Representatives of any Indian Tribes or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to Michigan State University. If no additional requestors come forward, transfer of control of the human remains to the Indian Tribes or Native Hawaiian organizations stated in this notice may proceed.

DATES: Representatives of any Indian Tribes or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Michigan State University at the address in this notice by August 5, 2021.

FOR FURTHER INFORMATION CONTACT: Judith Stoddart, Associate Provost for University Collections and Arts Initiatives, Michigan State University, 466 W Circle Drive, East Lansing, MI 48824-1044, telephone (517) 432-2524, email stoddart@msu.edu.

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of Michigan State University, East Lansing, MI. The human remains were removed from LaPorte County, IN.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by Michigan State University professional staff in consultation with representatives of the Bay Mills Indian Community, Michigan; Forest County Potawatomi Community, Wisconsin; Grand Traverse Band of Ottawa and Chippewa Indians, Michigan; Hannahville Indian Community, Michigan; Keweenaw Bay Indian Community, Michigan; Lac Vieux Desert Band of Lake Superior Chippewa Indians of Michigan; Little River Band of Ottawa Indians, Michigan; Little Shell Tribe of Chippewa Indians of Montana; Little Traverse Bay Bands of Odawa Indians, Michigan; Match-e-be-nash-she-wish Band of Pottawatomi Indians of Michigan; Miami Tribe of Oklahoma; Minnesota Chippewa Tribe, Minnesota (Mille Lacs Band; White Earth Band); Nottawaseppi Huron Band of the Potawatomi, Michigan [previously listed as Huron Potawatomi, Inc.]; Peoria Tribe of Indians of Oklahoma; Pokagon Band of Potawatomi Indians, Michigan and Indiana; Saginaw Chippewa Indian Tribe of Michigan; Sault Ste. Marie Tribe of Chippewa Indians, Michigan; Wyandotte Nation; and two non-federally recognized Indian groups, the Burt Lake Band of Ottawa and Chippewa Indians, and the Grand River Band of Ottawa Indians.

An invitation to consult was extended to the Absentee-Shawnee Tribe of Indians of Oklahoma; Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin; Chippewa Cree Indians of the Rocky Boy's Reservation, Montana [previously listed as Chippewa-Cree Indians of the Rocky Boy's Reservation, Montana]; Citizen Potawatomi Nation, Oklahoma; Delaware Nation, Oklahoma; Delaware Tribe of Indians; Eastern Shawnee Tribe of Oklahoma; Kickapoo Traditional Tribe of Texas; Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas; Kickapoo Tribe of Oklahoma; Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin; Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin; Minnesota Chippewa Tribe, Minnesota (Bois Forte Band (Nett Lake); Fond du Lac Band; Grand Portage Band; Leech Lake Band); Ottawa Tribe of Oklahoma; Prairie Band Potawatomi Nation [previously listed as Prairie Band of Potawatomi Nation, Kansas]; Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin; Red Lake Band of Chippewa Indians, Minnesota; Shawnee Tribe; Sokaogon Chippewa Community,

Wisconsin; St. Croix Chippewa Indians of Wisconsin; Stockbridge Munsee Community, Wisconsin; and the Turtle Mountain Band of Chippewa Indians of North Dakota.

Hereafter, all Indian Tribes and groups listed in this section are referred to as "The Consulted and Notified Tribes and Groups."

History and Description of the Remains

On an unknown date, human remains representing, at minimum, one individual were removed from a mound in LaPorte County, IN. The human remains (registration number 6505 CW) were acquired by Eugene Davis who, in turn, gave the human remains to the Chamberlain Memorial Museum in Three Oaks, Michigan. The Chamberlain Memorial Museum was founded in 1916, by Mr. Edward K. Warren. In September of 1952, Michigan State College Museum (now Michigan State University Museum) acquired the contents of the Chamberlain Memorial Museum from Fred P. Warren, President of the Board of Trustees of the E. K. Warren Foundation.

The human remains belong to an individual of unknown age and sex. No known individual was identified. No associated funerary objects are present.

Determinations Made by Michigan State University

Officials of the Michigan State University have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice are Native American based on biological evidence and lab records.

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of one individual of Native American ancestry.

- Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity cannot be reasonably traced between the Native American human and any present-day Indian Tribe.

- According to final judgments of the Indian Claims Commission or the Court of Federal Claims, the land from which the Native American human remains were removed is the aboriginal land of the Citizen Potawatomi Nation, Oklahoma; Forest County Potawatomi Community, Wisconsin; Hannahville Indian Community, Michigan; Match-e-be-nash-she-wish Band of Pottawatomi Indians of Michigan; Nottawaseppi Huron Band of the Potawatomi, Michigan [previously listed as Huron Potawatomi, Inc.]; Pokagon Band of Potawatomi Indians, Michigan and Indiana; and the Prairie Band Potawatomi Nation [previously listed as

Prairie Band of Potawatomi Nation, Kansas).

- Treaties, Acts of Congress, or Executive Orders indicate that the land from which the Native American human remains were removed is the aboriginal land of The Consulted and Notified Tribes.

- Pursuant to 43 CFR 10.11(c)(1), the disposition of the human remains may be to The Consulted and Notified Tribes.

Additional Requestors and Disposition

Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Judith Stoddart, Associate Provost for University Collections and Arts Initiatives, Michigan State University, 466 W Circle Drive, East Lansing, MI 48824-1044, telephone (517) 432-2524, email stoddart@msu.edu, by August 5, 2021. After that date, if no additional requestors have come forward, transfer of control of the human remains to The Consulted and Notified Tribes may proceed.

Michigan State University is responsible for notifying The Consulted and Notified Tribes and Groups that this notice has been published.

Dated: June 28, 2021.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2021-14310 Filed 7-2-21; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS-WASO-NAGPRA-NPS0032218; PPWOCRADNO-PCU00RP14.R50000]

Notice of Inventory Completion: Ohio History Connection, Columbus, OH

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Ohio History Connection has completed an inventory of human remains, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations and has determined that there is a cultural affiliation between the human remains and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to the Ohio History

Connection. If no additional requestors come forward, transfer of control of the human remains to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to the Ohio History Connection at the address in this notice by August 5, 2021.

FOR FURTHER INFORMATION CONTACT: Nekole Alligood, NAGPRA Specialist, Ohio History Connection, 800 East 17th Avenue, Columbus, OH 43211, telephone (405) 933-7643, email nalligood@ohiohistory.org.

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of the Ohio History Connection, Columbus, OH. The human remains were removed from an unknown location in Northern Montana.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Ohio History Connection professional staff in consultation with representatives of the Blackfeet Tribe of the Blackfeet Indian Reservation of Montana.

History and Description of the Remains

On or before January 14, 1921, human remains representing, at minimum, one individual were removed from an unknown location in Northern Montana by Dr. L.D. Frescoln of Philadelphia. On January 20, 1921, Dr. Frescoln donated the human remains to the Ohio Archaeological and Historical Society (now known as the Ohio History Connection). The human remains belong to an individual of unknown age and sex. No known individual was identified. No associated funerary objects are present.

Museum documentation and correspondence from Dr. Frescoln to

Professor Mills, Curator of the Museum of Archaeology at the Ohio Archaeological and Historical Society at the time, identify the human remains as those of an individual from the "Piegan Tribe of Blackfeet, obtained from a tree burial in Northern Montana."

Determinations Made by the Ohio History Connection

Officials of the Ohio History Connection have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of one individual of Native American ancestry.

- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and the Blackfeet Tribe of the Blackfeet Indian Reservation of Montana.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Nekole Alligood, NAGPRA Specialist, Ohio History Connection, 800 East 17th Avenue, Columbus, OH 43211, telephone (405) 933-7643, email nalligood@ohiohistory.org, by August 5, 2021. After that date, if no additional requestors have come forward, transfer of control of the human remains to the Blackfeet Tribe of the Blackfeet Indian Reservation of Montana may proceed.

The Ohio History Connection is responsible for notifying the Blackfeet Tribe of the Blackfeet Indian Reservation of Montana that this notice has been published.

Dated: June 28, 2021.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2021-14311 Filed 7-2-21; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS-WASO-NAGPRA-NPS0032216; PPWOCRADNO-PCU00RP14.R50000]

Notice of Inventory Completion: Illinois State Museum, Springfield, IL

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Illinois State Museum has completed an inventory of human remains and associated funerary objects,

in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and associated funerary objects and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the Illinois State Museum. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the Illinois State Museum at the address in this notice by August 5, 2021.

FOR FURTHER INFORMATION CONTACT: Dr. Brooke M. Morgan, Curator of Anthropology, Illinois State Museum, 1011 East Ash Street, Springfield, IL 62703, telephone (217) 785-8930, email brooke.morgan@illinois.gov.

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the Illinois State Museum, Springfield, IL. The human remains and associated funerary objects were removed from the Zimmerman archeological site in LaSalle County, IL.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Illinois State Museum professional staff in consultation with representatives of the Peoria Tribe of Indians of Oklahoma.

History and Description of the Remains

In 1970, human remains representing, at minimum, five individuals were removed from the Zimmerman site (11LS13) in LaSalle County, IL, during archeological excavation by Dr. Margaret K. Brown on behalf of the LaSalle County Historical Society, Utica, IL. All five individuals were found in a single burial pit identified as Feature 13. One individual was buried in an extended position and the others were buried in a bundle. The extended burial (Burial 23) was that of an infant. The bundle contained the remains of an adult male 25-35 years old (Burial 24), two infants both around two years of age (Burials 25A and 25B), and the partial skeleton of an adult female (Burial 26). Based on skeletal traits and archeological context, these five individuals have been determined to be Native American. The human remains were housed at the LaSalle County Historical Society following Dr. Brown's excavations. As early as the 1990s, they were thought to be lost; in 2010, the collection was rediscovered. In 2011, the human remains and associated funerary objects were transferred to the Illinois State Museum. No known individuals were identified. The eight associated funerary objects are seven blue glass beads and one cut deer mandible that were found in association with Burials 25A and/or 25B.

The Zimmerman site, also known as the Grand Village of the Kaskaskia and Grand Village of the Illinois State Historic Site, is a multicomponent pre- and post-contact village site located on the north bank of the Illinois River opposite Starved Rock State Park. French Jesuit missionary Jacques Marquette and explorer Louis Jolliet encountered the Grand Village on their 1673 voyage up the Illinois River and documented it in their journals. The Grand Village of the Kaskaskia served as a large permanent summer residence for the Kaskaskia, Peoria, Cahokia, and other members of the Illinois Confederation during the 17th century. European trade goods indicate the individuals from Feature 13 represent post-contact burials of the Illinois Confederation. The Illinois Confederation's present-day descendants are members of the Peoria Tribe of Indians of Oklahoma.

Determinations Made by the Illinois State Museum

Officials of the Illinois State Museum have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of five

individuals of Native American ancestry.

- Pursuant to 25 U.S.C. 3001(3)(A), the eight objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.

- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and the Peoria Tribe of Indians of Oklahoma.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Dr. Brooke M. Morgan, Curator of Anthropology, Illinois State Museum, 1011 East Ash St., Springfield, IL 62703, telephone (217) 785-8930, email brooke.morgan@illinois.gov, by August 5, 2021. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to the Peoria Tribe of Indians of Oklahoma may proceed.

The Illinois State Museum is responsible for notifying the Peoria Tribe of Indians of Oklahoma that this notice has been published.

Dated: June 28, 2021.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2021-14309 Filed 7-2-21; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS-WASO-NAGPRA-NPS0032222; PPWOCRADNO-PCU00RP14.R50000]

Notice of Intent To Repatriate Cultural Items: Spurlock Museum, University of Illinois at Urbana-Champaign, Urbana, IL

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Spurlock Museum, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, has determined that the cultural items listed in this notice meet the definition of unassociated funerary objects. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not

identified in this notice that wish to claim these cultural items should submit a written request to the Spurlock Museum. If no additional claimants come forward, transfer of control of the cultural items to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request with information in support of the claim to the Spurlock Museum at the address in this notice by August 5, 2021.

FOR FURTHER INFORMATION CONTACT: Krystiana Krupa, NAGPRA Program Officer, University of Illinois at Urbana-Champaign, 412 Swanlund Administration Building, 601 E John Street, MC-304, Champaign, IL 61822, telephone (217) 244-2587, email klkrupa@illinois.edu.

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3005, of the intent to repatriate cultural items under the control of the Spurlock Museum, University of Illinois at Urbana-Champaign, Urbana, IL, that meet the definition of unassociated funerary objects under 25 U.S.C. 3001.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American cultural items. The National Park Service is not responsible for the determinations in this notice.

History and Description of the Cultural Items

On an unknown date, 664 cultural items were removed from the San Joaquin Valley in California. On July 17, 1926 they were donated to the Museum of Natural History at the University of Illinois at Urbana-Champaign by Elmer J. Dawson of Lodi, CA. In 1998, they were transferred to the World Heritage Museum at the University of Illinois at Urbana-Champaign, which was renamed the Spurlock Museum in 2000. The 664 unassociated funerary objects are both cut and natural shell beads and pendants. Most of the shell is unidentifiable except for a few beads of abalone (family Halioidae) and one marine mussel (family Mytilidae). Both shells are consistent with the types

found at archeological sites near the California shore.

Museum records clearly indicate that the beads and pendants were taken from graves in the San Joaquin Valley. No extant Museum records associate the beads and pendants with human remains. The Santa Rosa Indian Community of the Santa Rosa Rancheria, California provided the museum with maps and written ethnographic, archeological, linguistic, and geographical information about the Yokuts and their inter-relationships with surrounding communities in the territory where the unassociated funerary objects were discovered including the Buena Vista Rancheria of Me-Wuk Indians of California and the Ione Band of Miwok Indians of California.

Determinations Made by the Spurlock Museum, University of Illinois at Urbana-Champaign

Officials of the Spurlock Museum, University of Illinois at Urbana-Champaign have determined that:

- Pursuant to 25 U.S.C. 3001(3)(B), the 664 cultural items described above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony and are believed, by a preponderance of the evidence, to have been removed from a specific burial site of a Native American individual.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the unassociated funerary objects and the Buena Vista Rancheria of Me-Wuk Indians of California; Ione Band of Miwok Indians of California; and the Santa Rosa Indian Community of the Santa Rosa Rancheria, California (hereafter referred to as "The Tribes").

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request with information in support of the claim to Krystiana Krupa, NAGPRA Program Officer, University of Illinois at Urbana-Champaign, 412 Swanlund Administration Building, 601 E John Street, MC-304, Champaign, IL 61822, telephone (217) 244-2587, email klkrupa@illinois.edu, by August 5, 2021. After that date, if no additional claimants have come forward, transfer of control of the unassociated funerary objects to The Tribes may proceed.

The Spurlock Museum, University of Illinois at Urbana-Champaign is

responsible for notifying The Tribes that this notice has been published.

Dated: June 28, 2021.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2021-14313 Filed 7-2-21; 8:45 am]

BILLING CODE 4312-52-P

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *Certain Residential Premises Security Monitoring and Automation Control Panels, and Components Thereof, DN 3555*; 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 ADT LLC and The ADT Security Corporation on June 30, 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 residential premises security monitoring and automation control panels, and components thereof. The complainant names as a respondent: Vivint, Inc. of Provo, UT. The complainant requests that the Commission issue a limited exclusion order, a cease and desist order, 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. 3555") 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

¹ Handbook for Electronic Filing Procedures: https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf.

² All contract personnel will sign appropriate nondisclosure agreements.

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 30, 2021.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2021-14356 Filed 7-2-21; 8:45 am]

BILLING CODE 7020-02-P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701-TA-526 and 731-TA-1262 (Review)]

Melamine From China

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 and antidumping duty orders on melamine from China 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 69359) and determined on February 5, 2021 that it would conduct expedited reviews (86 FR 29594, June 2, 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 30, 2021. The views of the Commission are contained in USITC Publication 5210 (June 2021), entitled *Melamine from China: Investigation Nos. 701-TA-526 and 731-TA-1262 (Review)*.

By order of the Commission.

Issued: June 30, 2021.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2021-14357 Filed 7-2-21; 8:45 am]

BILLING CODE 7020-02-P

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)).

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-1269]

Certain Electrolyte Containing Beverages and Labeling and Packaging Thereof; Institution of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on May 6, 2021, under section 337 of the Tariff Act of 1930, as amended, on behalf of CAB Enterprises, Inc. of Houston, Texas and Sueros y Bebidas Rehidratantes, S.A. de C.V. of Mexico. Supplements were filed on May 12, 2021, May 24, 2021, and May 25, 2021. The complaint, as supplemented, alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain electrolyte containing beverages and labeling and packaging thereof by reason of infringement of U.S. Trademark Registration No. 4,222,726 (“the ‘726 mark”); U.S. Trademark Registration No. 4,833,885 (“the ‘885 mark”); U.S. Trademark Registration No. 4,717,350 (“the ‘350 mark”); and U.S. Trademark Registration No. 4,717,232 (“the ‘232 mark”) (collectively, “Asserted Trademarks”). The complaint, as supplemented, further alleges that an industry in the United States exists and is in the process of being established, as required by the applicable Federal Statute. The complainants request that the Commission institute an investigation and, after the investigation, issue a general exclusion order, or in the alternative a limited exclusion order, and cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, may be viewed on the Commission’s electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal on (202) 205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205-2000. General information concerning the Commission may also be obtained by accessing its internet server at <https://www.usitc.gov>.

FOR FURTHER INFORMATION CONTACT: Pathenia M. Proctor, The Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205-2560.

SUPPLEMENTARY INFORMATION:

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in section 210.10 of the Commission’s Rules of Practice and Procedure, 19 CFR 210.10 (2020).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on June 29, 2021, *ordered that*—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation is instituted to determine whether there is a violation of subsection (a)(1)(C) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain products identified in paragraph (2) by reason of infringement of one or more of the Asserted Trademarks, and whether an industry in the United States exists or is in the process of being established as required by subsection (a)(2) of section 337;

(2) Pursuant to section 210.10(b)(1) of the Commission’s Rules of Practice and Procedure, 19 CFR 210.10(b)(1), the plain language description of the accused products or category of accused products, which defines the scope of the investigation, is “electrolyte beverages and associated packaging and labels that bear the Electrolit® Asserted Trademarks”;

(3) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainants are:

CAB Enterprises, Inc., 2700 Post Oak Blvd., Suite 22-111, Houston, Texas 77056

Sueros y Bebidas Rehidratantes S.A. de C.V., Av. Espana No. 1840, Colonia Moderna, C.P. 44190, Guadalajara, Jalisco, Mexico

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served: Flexicompuestos S.A. de C.V., Avenida Kristal 619, Juarez, Nuevo Leon 67280, Mexico

Grupo Comercial Lux del Norte S.A. de C.V., Emiliano Zapata 229, Centro Miguel Aleman, Septima y Octava, Miguel Aleman, Tamaulipas 88300, Mexico

Carbonera Los Asadores S.A. de C.V., Carr. Nacional KM 85, No. 1413, Col. Centro, C.P. 67350, Allende, Nuevo Leon, Mexico

Caribe Agencia Express, S.A. de C.V., Avenida Tulum 269, Manzana 3 Lote 2 y 3 Local 02 y Sm 15 A, Avenida Acanceh y Avenida Tulum, Benito Juarez, Quintana Roo 77500, Mexico

Comercializadora Degu S.A. de C.V., Calle Anguila 106, Matamoros, Tamaulipas, C.P. 87398, Mexico

Comercial Treviño de Reynosa, S.A. de C.V., Lib Mty Matamoros, Km. 7, S/N, Jacinto Lopez Ampliacion Av, San Rafael y Av Talleres, Reynosa, Tamaulipas 88756, Mexico

H & F Tech International S.A. de C.V., Bernardo Reyes PTE 313, San Nicolas de los Garza Centro, Mariano Matamoros y Calle Anastacio Bustamante, San Nicolás de los Garza, Nuevo León 66400, Mexico

MPC Foods S.A. de C.V., Profesor Jose Flores 41, Manzanillo, Colima 28869, Mexico

Myrna Guadalupe Perez Martinez, Blvd. Luis Donald Colosio, Col. Nuevo Amanecer 1003, Reynosa, Tamaulipas 88790, Mexico

Leticia Angélica Saenz Fernandez, Segunda 517, Centro Miguel Aleman a Obregon e Insurgentes, Miguel Alemán, Tamaulipas 88300, Mexico

Yoselen Susana Martinez Tirado, Montreal 114, La Cañada 2 Brasilia y Munich, Reynosa, Tamaulipas 88700, Mexico

Distribuidora Mercatto S.A. de C.V., Jordan 2211, Monterrey, Nuevo León, 64460, Mexico

Comercializadora Embers S.A. de C.V., Camino a la Paz 200, Allende, Nuevo León 67353, Mexico

Manuel Bautista Nogales, Prol. Constitucion 2219-6 Bodega 6, Luis Echeverria Alvarez Calle d y Esquina con 1RA Avenida, Santa Catarina, Nuevo León 66358, Mexico

(c) The Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street SW, Suite 401, Washington, DC 20436; and

(4) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

The Commission notes that issues regarding whether the domestic industry requirement of section 337 is met may be present here. In instituting this investigation, the Commission has not made any determination as to whether complainants have satisfied this requirement. The presiding Administrative Law Judge may wish to consider this issue at an early date,

including through use of the interim initial determination (ID) pilot program, https://www.usitc.gov/press_room/featured_news/337pilotprogram.htm. Notwithstanding any Commission Rules to the contrary, which are hereby waived, any such decision should be (i) issued in the form of an ID under Rule 210.42(c), 19 CFR 210.42(c), or (ii) if issued through use of the interim initial determination (ID) pilot program, in the form of an ID under Rule 210.42(a)(1)(i), 19 CFR 210.42(a)(1)(i). The ID will become the Commission's final determination 45 days after the date of service of the ID unless the Commission determines to review the ID. Any such review will be conducted in accordance with Commission Rules 210.43, 210.44, and 210.45, 19 CFR 210.43, 210.44, and 210.45.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(e) and 210.13(a), as amended in 85 FR 15798 (March 19, 2020), such responses will be considered by the Commission if received not later than 20 days after the date of service by the complainants of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: June 29, 2021.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2021-14260 Filed 7-2-21; 8:45 am]

BILLING CODE 7020-02-P

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *Certain Light-Based Physiological Measurement Devices and Components Thereof, DN 3554*; 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 Masimo Corporation and Cercacor Laboratories, Inc. on June 30, 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 light-based physiological measurement devices and components thereof. The complainant names as a respondent: Apple Inc. of Cupertino, CA. The complainant requests that the Commission issue an exclusion order, a cease and desist order, 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. 3554”) in a prominent place on the cover page and/or the first page. (See Handbook for 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.

¹ Handbook for Electronic Filing Procedures: https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf.

² All contract personnel will sign appropriate nondisclosure agreements.

³ Electronic Document Information System (EDIS): <https://edis.usitc.gov>.

Issued: June 30, 2021.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2021–14355 Filed 7–2–21; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms and Explosives

[OMB Number 1140–NEW]

Agency Information Collection Activities; Proposed eCollection of eComments Requested; New Information Collection; Authorization for Release of Consumer/Credit Information—ATF Form 8620.26

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

ACTION: 30-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.

DATES: Comments are encouraged and will be accepted for an additional 30 days until August 5, 2021.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

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:* New collection.

(2) *The Title of the Form/Collection:* Authorization for Release of Consumer/Credit Information.

(3) *The agency form number, if any, and the applicable component of the Department sponsoring the collection:*
Form number: ATF Form 8620.26.

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: Individuals or households.

Other: None.

Abstract: The Authorization for Release of Consumer/Credit Information—ATF Form 8620.26 will be used to determine if a candidate for Federal or contractor employment at the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), is compliant with Federal requirements relating to financial obligations.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 2,000 respondents will use the form annually, and it will take each respondent approximately 5 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 167 hours, which is equal to 2,000 (# of respondents) * .0833333 (5 minutes).

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, Mail Stop 3E.405A, Washington, DC 20530.

Dated: June 30, 2021.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2021–14327 Filed 7–2–21; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF JUSTICE

[OMB Number 1117-NEW]

Agency Information Collection Activities; Proposed eCollection, eComments Requested; New Proposed Collection, Exempt Chemical Preparations Application

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Department of Justice (DOJ), Drug Enforcement Administration (DEA), will be submitting 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. This proposed information collection was previously published in the **Federal Register** on April 26, 2021, at 86 FR 22070, allowing for a 60-day comment period. No comments were received.

DATES: Comments are encouraged and will be accepted for 30 days until August 5, 2021.

FOR FURTHER INFORMATION CONTACT: 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: 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 proposed 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 forms of information technology, *e.g.*, permitting electronic submission of responses.

Overview of This Information Collection

1. *Type of Information Collection:* New collection.
2. *Title of the Form/Collection:* Exempt Chemical Preparations Application.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* N/A. The applicable component within the Department of Justice is the Drug Enforcement Administration, Diversion Control Division.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:* Affected public: Business or other for-profit.

Abstract: Pursuant to 21 U.S.C. 811(g)(3)(B), DEA (by delegation of authority from the Attorney General) may, by regulation, exempt from specific provisions of the Controlled Substances Act (CSA) any compound, mixture, or preparation containing any controlled substance, which is not for administration to a human being or animal, and which is packaged in a certain manner, so that as packaged it does not present any significant potential for abuse. In accordance with 21 CFR 1308.23(f), the Administrator (or the Deputy Assistant Administrator), at any time, may revoke or modify any exemption granted pursuant to 21 CFR 1308.23; modify or revoke the criteria by which exemptions are granted; and modify the scope of exemptions.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The below table presents information regarding the number of respondents, responses and associated burden hours.

Labor category	Number	% of time	Cost
Chemist, GS-14, step 5	3	30	\$200,967
Unit Chief, GS-14, step 5	1	5	11,165
Section Chief, GS-15, step 5	1	1	2,627
Total			214,758

6. *An estimate of the total public burden (in hours) associated with the proposed collection:* DEA estimates that this collection takes 2,093 annual burden hours.

If additional information is required please 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, Suite 3E.405B, Washington, DC 20530.

Dated: June 30, 2021.
Melody Braswell,
 Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2021-14329 Filed 7-2-21; 8:45 am]

BILLING CODE 4410-09-P

DEPARTMENT OF JUSTICE

Notice of Lodging Proposed Consent Decree

In accordance with Departmental Policy, 28 CFR 50.7, notice is hereby given that a proposed Partial Consent Decree in *United States v. Paul Bunn, et al.*, Civil Action No. 9:20-cv-00107-DLC-KLD, was lodged with the United

States District Court for the District of Montana on June 29, 2021.

This proposed Partial Consent Decree concerns a complaint filed by the United States against Paul Bunn, pursuant to Section 309 of the Clean Water Act, 33 U.S.C. 1319, to obtain injunctive relief and impose civil penalties against Mr. Bunn for violating the Clean Water Act by discharging pollutants without a permit into waters of the United States. The proposed Partial Consent Decree resolves these allegations by requiring Mr. Bunn to restore the impacted areas and to pay a civil penalty.

The Department of Justice will accept written comments relating to this proposed Partial Consent Decree for

thirty (30) days from the date of publication of this Notice. Please address comments to Alan Greenberg, United States Department of Justice, Environment and Natural Resources Division, Environmental Defense Section, 999 18th Street, Suite 370, Denver, CO 80202, pubcomment_ed.s.enrd@usdoj.gov, and refer to *United States v. Paul Bunn, et al.*, DJ # 90–5–1–1–20880.

The proposed Partial Consent Decree may be examined at the Clerk's Office, United States District Court for the District of Montana, Russell Smith Federal Courthouse, 201 East Broadway, Missoula, MT 59802. In addition, the proposed Partial Consent Decree may be examined electronically at <http://www.justice.gov/enrd/consent-decrees>.

Cherie Rogers,

Assistant Section Chief, Environmental Defense Section, Environment and Natural Resources Division.

[FR Doc. 2021–14353 Filed 7–2–21; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

Parole Commission

Sunshine Act Meeting

TIME AND DATE: 1 p.m. Tuesday, July 13, 2021.

PLACE: U.S. Parole Commission, 90 K Street NE, 3rd Floor, Washington, DC.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Briefing on status of military transfer.
2. Discussion on modifying Rules and Procedures at § 2.207.
3. Original Jurisdiction regulation.
4. Possible revision of 28 CFR 2.77.
5. Possible revision of 28 CFR 2.28.
6. Witness testimony by videoconference.
7. Possible revision of 28 CFR 2.34.

CONTACT PERSON FOR MORE INFORMATION:

Jacqueline Graham, Staff Assistant to the Chairman, U.S. Parole Commission, 90 K Street NE, 3rd Floor, Washington, DC 20530, (202) 346–7010.

Dated: July 1, 2021.

Patricia K. Cushwa,

Acting Chairperson, U.S. Parole Commission.

[FR Doc. 2021–14485 Filed 7–1–21; 4:15 pm]

BILLING CODE 4410–31–P

DEPARTMENT OF JUSTICE

Parole Commission

Sunshine Act Meeting

TIME AND DATE: 2 p.m., Tuesday, July 13, 2021.

PLACE: U.S. Parole Commission, 90 K Street NE, 3rd Floor, Washington, DC.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Determination on one original jurisdiction case.

CONTACT PERSON FOR MORE INFORMATION: Jacquelyn Graham, Staff Assistant to the Chairman, U.S. Parole Commission, 90 K Street NE, 3rd Floor, Washington, DC 20530, (202) 346–7001.

Dated: June 30, 2021.

Patricia K. Cushwa,

Acting Chairperson, U.S. Parole Commission.

[FR Doc. 2021–14488 Filed 7–1–21; 4:15 pm]

BILLING CODE 4410–31–P

DEPARTMENT OF LABOR

Employee Benefits Security Administration

State All Payer Claims Databases Advisory Committee; Notice of Virtual Meeting

AGENCY: Employee Benefits Security Administration (EBSA), Department of Labor (DOL).

ACTION: Notice.

SUMMARY: This notice announces a meeting of the State All Payer Claims Databases Advisory Committee (hereinafter the Committee). This notice provides information to members of the public who may be interested in attending the meetings or providing written comments related to the work of the Committee. Notice of this meeting is required under the Federal Advisory Committee Act (FACA).

DATES: The Committee meeting will be held virtually on July 26, 2021. Key dates associated with this meeting, including the deadline for registration are discussed in the **SUPPLEMENTARY INFORMATION** section below.

ADDRESSES: The meeting will be held via webinar. The webinar link and log-in information will be available at DOL's Committee website: <https://www.dol.gov/agencies/ebsa/about-ebsa/about-us/state-all-payer-claims-databases-advisory-committee>.

FOR FURTHER INFORMATION CONTACT: Elizabeth Schumacher, Designated Federal Officer, EBSA, DOL, by sending an email to SAPCDAC@dol.gov. For

press inquiries please contact Grant Vaught, Office of Public Affairs, DOL at 202–693–4672.

SUPPLEMENTARY INFORMATION: The Committee is mandated by section 735 of the Employee Retirement Income Security Act of 1974 as added by section 115(b) of the No Surprises Act, enacted as part of the Consolidated Appropriations Act, 2021, div. BB, tit. I, Public Law 116–260 (Dec. 27, 2020). The Committee is governed by the provisions of the FACA, as amended, 5 U.S.C. app.2.

The Committee will advise the Secretary of Labor on the standardized reporting format for the voluntary reporting by group health plans to State All Payer Claims Databases. Reporting will include medical claims, pharmacy claims, dental claims, and eligibility and provider files collected from private and public payers. The Committee will also advise the Secretary on what guidance is necessary to provide to States on the process by which States may collect such data in the standardized reporting format.

The Committee will be responsible for issuing a report that includes recommendations on the establishment of the format and guidance to the Secretary of Labor and certain congressional committees no later than 180 days after the date of enactment of the Consolidated Appropriations Act, 2021.

The Committee will meet on July 26, 2021 via webinar. The meeting will begin at 1:00 p.m. and end at approximately 5:00 p.m.

1. *Deadline for Registration without Oral Presentation:* July 23, 2021.

Individuals can register for the meeting by visiting the Committee website: <https://www.dol.gov/agencies/ebsa/about-ebsa/about-us/state-all-payer-claims-databases-advisory-committee>.

2. *Deadline for Registration of Oral Presentations:* July 22, 2021. Requests should be submitted by email to SAPCDAC@dol.gov.

3. *Deadline for Submission of Oral Remarks and Written Comments:* July 22, 2021. Remarks and comments should be submitted by email to SAPCDAC@dol.gov.

4. *Deadline for Requesting Special Accommodations:* July 22, 2021. Requests should be submitted by email to SAPCDAC@dol.gov.

The meeting will focus on the various issues related to all payer claims databases and recommendations for the report that must be submitted by the Committee. Additional details about the agenda items and topics, as well as agenda updates, will be available on the

Committee's website: <https://www.dol.gov/agencies/ebsa/about-ebsa/about-us/state-all-payer-claims-databases-advisory-committee>.

Dated: June 29, 2021.

Ali Khawar,

Acting Assistant Secretary, Employee Benefits Security Administration, U.S. Department of Labor.

[FR Doc. 2021-14287 Filed 7-2-21; 8:45 am]

BILLING CODE P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

[OMB Control No. 1219-0146]

Proposed Extension of Information Collection; Refuge Alternatives for Underground Coal Mines

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Request for public comments.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance request for comment to provide the general public and Federal agencies with an opportunity to comment on proposed collections of information in accordance with the Paperwork Reduction Act of 1995. This request helps to ensure that: 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 on respondents can be properly assessed. Currently, the Mine Safety and Health Administration (MSHA) is soliciting comments on the information collection for Refuge Alternatives for Underground Coal Mines.

DATES: All comments must be received on or before September 7, 2021.

ADDRESSES: You may submit comment as follows. Please note that late, untimely filed comments will not be considered.

Electronic Submissions: Submit electronic comments in the following way:

- *Federal eRulemaking Portal:* <https://www.regulations.gov>. Follow the instructions for submitting comments for docket number MSHA-2021-0023. Comments submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to the docket, with no changes. Because your comment will be made public, you are 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 your or anyone else's Social Security number or confidential business information.

- If your comment includes confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission.

Written/Paper Submissions: Submit written/paper submissions in the following way:

- *Mail/Hand Delivery:* Mail or visit DOL-MSHA, Office of Standards, Regulations, and Variances, 201 12th Street South, Suite 4E401, Arlington, VA 22202-5452.

- MSHA will post your comment as well as any attachments, except for information submitted and marked as confidential, in the docket at <https://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT:

Jessica Senk, Director, Office of Standards, Regulations, and Variances, MSHA, at MSHA.information.collections@dol.gov (email); (202) 693-9440 (voice); or (202) 693-9441 (facsimile).

SUPPLEMENTARY INFORMATION:

I. Background

Section 103(h) of the Federal Mine Safety and Health Act of 1977 (Mine Act), 30 U.S.C. 813(h), authorizes MSHA to collect information necessary to carry out its duty in protecting the safety and health of miners. Further, section 101(a) of the Mine Act, 30 U.S.C. 811, authorizes the Secretary of Labor to develop, promulgate, and revise as may be appropriate, improved mandatory health or safety standards for the protection of life and prevention of injuries in coal or other mines.

Each underground coal mine has an emergency response plan (ERP) and refuge alternatives (RA) that protect miners when escape from a mine during a mine emergency is not possible by providing secure spaces with isolated atmospheres that create life-sustaining environments.

Title 30 CFR 75.1506 requires mine operators to provide RAs.

Section 75.1507 requires the development and implementation of ERP. It requires that the ERP provide detailed information about the RAs used in the mine. This information assists miners, supervisors, emergency responders, and MSHA in ensuring that all essential preparations are made and required materials are readily available and in working order. A mine operator may notify the District Manager and update the existing ERP if there is a

need to locate an RA in a different location than the one identified in the ERP for that mine (as required by section 75.1506(c)(2)).

Section 75.1508 requires the mine operator to certify that persons assigned to examine, maintain, and repair RAs and components are trained for those tasks. Training certifications assist MSHA in determining that persons received the required training. The training certification for persons assigned to examine RAs is integrated into existing requirements for preshift examinations of the mine under section 75.360 (OMB 1219-0088). The training certification for persons assigned to maintain and repair RAs is included in this package under section 75.1508(a).

Section 75.1508(b) requires a record of any maintenance and repair performed on an RA. This record assists MSHA in identifying design flaws or other weaknesses in the RA or its components that could adversely impact the safety of miners.

II. Desired Focus of Comments

MSHA is soliciting comments concerning the proposed information collection related to Refuge Alternatives for Underground Coal Mines. MSHA is particularly interested in comments that:

- Evaluate whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information has practical utility;
- Evaluate the accuracy of MSHA's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;
- Suggest methods to 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.

Background documents related to this information collection request are available at <https://regulations.gov> and at DOL-MSHA located at 201 12th Street South, Suite 4E401, Arlington, VA 22202-5452. Questions about the information collection requirements may be directed to the person listed in the **FOR FURTHER INFORMATION** section of this notice.

III. Current Actions

This information collection request concerns provisions for Refuge

Alternatives for Underground Coal Mines. MSHA has updated the data with respect to the number of respondents, responses, burden hours, and burden costs supporting this information collection request from the previous information collection request.

Type of Review: Extension, without change, of a currently approved collection.

Agency: Mine Safety and Health Administration.

OMB Number: 1219-0146.

Affected Public: Business or other for-profit.

Number of Respondents: 3.

Frequency: On occasion.

Number of Responses: 27.

Annual Burden Hours: 73 hours.

Annual Respondent or Recordkeeper

Cost: \$17.

Comments submitted in response to this notice will be summarized in the request for Office of Management and Budget approval of the proposed information collection request; they will become a matter of public record and will be available at <https://www.reginfo.gov>.

Jessica Senk,

Certifying Officer.

[FR Doc. 2021-14297 Filed 7-2-21; 8:45 am]

BILLING CODE 4510-43-P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Petitions for Modification of Application of Existing Mandatory Safety Standards; Correction

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice; correction.

SUMMARY: The Mine Safety and Health Administration published a notice in the **Federal Register** of June 25, 2021, that concerned summaries of three petitions for modification. The notice contained incorrect docket numbers used to identify the respective petitions.

FOR FURTHER INFORMATION CONTACT: Jessica D. Senk, Director, Office of Standards, Regulations, and Variances, MSHA, at senk.jessica@dol.gov (email), 202-693-9440 (voice), or 202-693-9441 (fax). These are not toll-free numbers.

SUPPLEMENTARY INFORMATION:

Correction

In FR Doc. 2021-13544, appearing on page 33773 in the **Federal Register** of June 25, 2021, the following corrections are made under II. Petitions for Modification:

1. On page 33773, in the second column, the “*Docket Number:* M-2021-

016-C.” is corrected to read “*Docket Number:* M-2021-019-C.”

2. On page 33775, in the second column, the “*Docket Number:* M-2021-017-C.” is corrected to read “*Docket Number:* M-2021-020-C.”

3. On page 33777, in the second column, the “*Docket Number:* M-2021-018-C.” is corrected to read “*Docket Number:* M-2021-021-C.”

Dated: June 28, 2021.

Jessica Senk,

Director, Office of Standards, Regulations, and Variances.

[FR Doc. 2021-14284 Filed 7-2-21; 8:45 am]

BILLING CODE 4520-43-P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

[OMB Control No. 1219-0004]

Proposed Extension of Information Collection; Roof Control Plan for Underground Coal Mines

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Request for public comments.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance request for comment to provide the general public and Federal agencies with an opportunity to comment on proposed collections of information in accordance with the Paperwork Reduction Act of 1995. This request helps to ensure that: 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 on respondents can be properly assessed. Currently, the Mine Safety and Health Administration (MSHA) is soliciting comments on the information collection for Roof Control Plan for Underground Coal Mines.

DATES: All comments must be received on or before September 7, 2021.

ADDRESSES: You may submit comment as follows. Please note that late, untimely filed comments will not be considered.

Electronic Submissions: Submit electronic comments in the following way:

- *Federal eRulemaking Portal:* <https://www.regulations.gov>. Follow the instructions for submitting comments for docket number MSHA-2021-0006. Comments submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to

the docket, with no changes. Because your comment will be made public, you are 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 your or anyone else’s Social Security number or confidential business information.

- If your comment includes confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission.

Written/Paper Submissions: Submit written/paper submissions in the following way:

- *Mail/Hand Delivery:* Mail or visit DOL-MSHA, Office of Standards, Regulations, and Variances, 201 12th Street South, Suite 4E401, Arlington, VA 22202-5452.

- MSHA will post your comment as well as any attachments, except for information submitted and marked as confidential, in the docket at <https://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT:

Jessica Senk, Director, Office of Standards, Regulations, and Variances, MSHA, at

MSHA.information.collections@dol.gov (email); (202) 693-9440 (voice); or (202) 693-9441 (facsimile).

SUPPLEMENTARY INFORMATION:

I. Background

Section 103(h) of the Federal Mine Safety and Health Act of 1977 (Mine Act), 30 U.S.C. 813(h), authorizes MSHA to collect information necessary to carry out its duty in protecting the safety and health of miners. Further, section 101(a) of the Mine Act, 30 U.S.C. 811, authorizes the Secretary of Labor (Secretary) to develop, promulgate, and revise as may be appropriate, improved mandatory health or safety standards for the protection of life and prevention of injuries in coal or other mines.

Section 302(a) of the Mine Act requires that a roof control plan and revisions thereof suitable to the roof conditions and mining system of each coal mine be first approved by the Secretary before implementation by the operator. The plan must show the type of support and spacing approved by the Secretary, and the plan must be reviewed at least every 6 months by the Secretary.

This information collection addresses the recordkeeping associated with:

- 75.215 Longwall mining systems;
- 75.220(a)(1)—Roof control plan;
- 75.221(1)(2)—Roof control plan information;
- 75.222(a)—Roof control plan-approval criteria; and

75.223(a), (b), and (d)—Evaluation and revision of roof control plan.

II. Desired Focus of Comments

MSHA is soliciting comments concerning the proposed information collection related to Roof Control Plan for Underground Coal Mines. MSHA is particularly interested in comments that:

- Evaluate whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information has practical utility;
- Evaluate the accuracy of MSHA's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;
- Suggest methods to 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.

Background documents related to this information collection request are available at <https://regulations.gov> and at DOL-MSHA located at 201 12th Street South, Suite 4E401, Arlington, VA 22202-5452. Questions about the information collection requirements may be directed to the person listed in the **FOR FURTHER INFORMATION** section of this notice.

III. Current Actions

This information collection request concerns provisions for Roof Control Plan for Underground Coal Mines. MSHA has updated the data with respect to the number of respondents, responses, burden hours, and burden costs supporting this information collection request from the previous information collection request.

Type of Review: Extension, without change, of a currently approved collection.

Agency: Mine Safety and Health Administration.

OMB Number: 1219-0004.

Affected Public: Business or other for-profit.

Number of Respondents: 145.

Frequency: On occasion.

Number of Responses: 896.

Annual Burden Hours: 2,600 hours.

Annual Respondent or Recordkeeper Cost: \$2,490.

Comments submitted in response to this notice will be summarized in the request for Office of Management and

Budget approval of the proposed information collection request; they will become a matter of public record and will be available at <https://www.reginfo.gov>.

Jessica Senk,
Certifying Officer.

[FR Doc. 2021-14296 Filed 7-2-21; 8:45 am]

BILLING CODE 4510-43-P

DEPARTMENT OF LABOR

Veterans' Employment and Training Service

Advisory Committee on Veterans' Employment, Training and Employer Outreach (ACVETEO): Meeting

AGENCY: Veterans' Employment and Training Service (VETS), Department of Labor (DOL).

ACTION: Notice of virtual open meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the ACVETEO. The ACVETEO will discuss the DOL core programs and services that assist veterans seeking employment and raise employer awareness as to the advantages of hiring veterans. There will be an opportunity for individuals or organizations to address the committee. Any individual or organization that wishes to do so should contact Mr. Gregory Green at ACVETEO@dol.gov. Additional information regarding the Committee, including its charter, current membership list, annual reports, meeting minutes, and meeting updates may be found at <https://www.dol.gov/agencies/vets/about/advisorycommittee>. This notice also describes the functions of the ACVETEO. Notice of this meeting is required under Section 10(a) (2) of the Federal Advisory Committee Act. This document is intended to notify the general public.

DATES: Thursday, July 29, 2021 beginning at 9:00 a.m. and ending at approximately 12:00 p.m.(EDT).

ADDRESSES: This ACVETEO meeting will be held via TEAMS and teleconference. Meeting information will be posted at the link below under the Meeting Updates tab. <https://www.dol.gov/agencies/vets/about/advisorycommittee>.

NOTICE OF INTENT TO ATTEND THE MEETING: All meeting participants should submit a notice of intent to attend by Friday, July 16, 2021, via email to Mr. Gregory Green at ACVETEO@dol.gov, subject line "July 2021 ACVETEO Meeting."

Individuals who will need accommodations for a disability in order

to attend the meeting (e.g., interpreting services, assistive listening devices, and/or materials in alternative format) should notify the Advisory Committee no later than Friday, July 16, 2021 by contacting Mr. Gregory Green at ACVETEO@dol.gov. Requests made after this date will be reviewed, but availability of the requested accommodations cannot be guaranteed.

FOR FURTHER INFORMATION CONTACT: Mr. Gregory Green, Designated Federal Official for the ACVETEO, ACVETEO@dol.gov, (202) 693-4734.

SUPPLEMENTARY INFORMATION: The ACVETEO is a Congressionally mandated advisory committee authorized under Title 38, U.S. Code, Section 4110 and subject to the Federal Advisory Committee Act, 5 U.S.C. app. 2, as amended. The ACVETEO is responsible for: Assessing employment and training needs of veterans; determining the extent to which the programs and activities of the U.S. Department of Labor meet these needs; assisting to conduct outreach to employers seeking to hire veterans; making recommendations to the Secretary, through the Assistant Secretary for Veterans' Employment and Training Service, with respect to outreach activities and employment and training needs of veterans; and carrying out such other activities necessary to make required reports and recommendations. The ACVETEO meets at least quarterly.

Agenda

9:00 a.m. Welcome and remarks, James Rodriguez, Principal Deputy Assistant Secretary, Veterans' Employment and Training Service

9:10 a.m. Administrative Business, Gregory Green, Designated Federal Official

9:20 a.m. Service Delivery/ Underserved Populations/ Innovative Veteran Training and Employment Subcommittee breakout sessions

11:30 a.m. Public Forum, Gregory Green, Designated Federal Official

12:00 p.m. Adjourn

Signed in Washington, DC, this 28th day of June 2021.

Ivan Denton,

Interim Career Deputy Assistant Secretary, Veterans' Employment and Training Service.

[FR Doc. 2021-14293 Filed 7-2-21; 8:45 am]

BILLING CODE 4510-79-P

NATIONAL SCIENCE FOUNDATION**Sunshine Act Meeting**

The National Science Board's Committee on Awards & Facilities hereby gives notice of the scheduling of a teleconference for the transaction of National Science Board business as follows:

TIME AND DATE: Friday, July 9, 2021, from 12–1 p.m. EDT.

PLACE: This meeting will be held by teleconference through the National Science Foundation.

STATUS: Open.

MATTERS TO BE CONSIDERED: The agenda of the teleconference is: Committee Chair's Opening Remarks; Update on the National Science Foundation's Antarctic research infrastructure; and Committee Chair's Closing Remarks.

CONTACT PERSON FOR MORE INFORMATION: Point of contact for this meeting is: Chris Blair, cblair@nsf.gov, 703/292–7000. 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 the National Science Board website www.nsf.gov/nsb.

Chris Blair,

Executive Assistant to the National Science Board Office.

[FR Doc. 2021–14479 Filed 7–1–21; 4:15 pm]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–271 and 72–59; NRC–2021–0057; Docket Nos. 50–302 and 72–1035; NRC–2021–0061]

In the Matter of NorthStar Nuclear Decommissioning Company, LLC, NorthStar Vermont Yankee, LLC, ADP CR3, LLC, and Duke Energy Florida, LLC, Vermont Yankee Nuclear Power Station and Independent Spent Fuel Storage Installation, Crystal River Unit 3 Nuclear Generating Plant and Independent Spent Fuel Storage Installation

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Indirect transfer of licenses; order.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing an Order approving the application dated November 19, 2020, as supplemented by

letter dated April 13, 2021, filed by NorthStar Nuclear Decommissioning Company, LLC (NNDC) and ADP CR3, LLC (ADP CR3), on behalf of themselves, NorthStar Vermont Yankee, LLC (NVY), and their corporate parents related to NorthStar Group Services, Inc (NorthStar). The application sought NRC consent to the indirect transfer of (1) NNDC's licensed authority under, and NVY's licensed ownership of, Renewed Facility Operating License No. DPR–28 for the Vermont Yankee Nuclear Power Station (Vermont Yankee) and the general license for the Vermont Yankee independent spent fuel storage installation (ISFSI); and (2) ADP CR3's licensed authority under Facility Operating License No. DPR–72 for the Crystal River Unit 3 Nuclear Generating Plant (CR3) and the general license for the CR3 ISFSI. Duke Energy Florida, LLC (DEF) will remain the licensed owner of CR3, and the application does not involve any direct or indirect transfer of DEF's license or responsibilities. No physical changes to the Vermont Yankee or CR3 facilities or operational changes were proposed in the application. The application requested NRC consent to these indirect transfers in order to complete an internal reorganization with new intermediary holding companies that would acquire control of NorthStar.

DATES: The order was issued on June 28, 2021, and is effective for 1 year.

ADDRESSES: Please refer to Docket ID NRC–2021–0057 for Vermont Yankee and Docket ID NRC–2021–0061 for CR3 when contacting the NRC about the availability of information regarding this document. You may obtain publicly available information related to this document using any of the following methods:

- *Federal Rulemaking Website:* Go to <https://www.regulations.gov> and search for Docket ID NRC–2021–0057 for Vermont Yankee and Docket ID NRC–2021–0061 for CR3. Address questions about Docket IDs in [Regulations.gov](https://www.regulations.gov) to Stacy Schumann; telephone: 301–287–0624; email: Stacy.Schumann@nrc.gov. For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "Begin Web-based ADAMS Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR)

reference staff at 1–800–397–4209, 301–415–4737, or by email to pdr.resource@nrc.gov. The indirect license transfer order and the NRC staff safety evaluation supporting the order are available in ADAMS under ADAMS Package Accession No. ML21159A033.

- *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.

FOR FURTHER INFORMATION CONTACT:

Marlayna Vaaler Doell, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–3178; email: Marlayna.Doell@nrc.gov.

SUPPLEMENTARY INFORMATION: The text of the Order is attached.

Dated: June 29, 2021.

For the U.S. Nuclear Regulatory Commission.

Marlayna V. Doell,

Project Manager, Reactor Decommissioning Branch, Division of Decommissioning, Uranium Recovery, and Waste Programs, Office of Nuclear Material Safety and Safeguards.

Attachment—Order Approving Indirect Transfer of Licenses**United States of America****Nuclear Regulatory Commission**

In the Matter of: NorthStar Nuclear Decommissioning Company, LLC, NorthStar Vermont Yankee, LLC, ADP CR3, LLC, and Duke Energy Florida, LLC, Vermont Yankee Nuclear Power Station and Independent Spent Fuel Storage Installation, Crystal River Unit 3 Nuclear Generating Plant and Independent Spent Fuel Storage Installation

Docket Nos. 50–271 and 72–59; License No. DPR–28; Docket Nos. 50–302 and 72–1035; License No. DPR–72

Order Approving Indirect Transfer of Licenses (EA–21–090)**I.**

NorthStar Nuclear Decommissioning Company, LLC (NNDC) is the licensed operator and NorthStar Vermont Yankee, LLC (NVY) is the licensed owner of Renewed Facility Operating License No. DPR–28 for the Vermont Yankee Nuclear Power Station (Vermont Yankee), as well as the general license for the Vermont Yankee Independent Spent Fuel Storage Installation (ISFSI), to possess, maintain, and decommission

Vermont Yankee and the Vermont Yankee ISFSI. Vermont Yankee is located in Windham County, Vermont.

ADP CR3, LLC (ADP CR3) is the licensed operator of Facility Operating License No. DPR-72 for the Crystal River Unit 3 Nuclear Generating Plant (CR3), as well as the general license for the CR3 ISFSI, to possess, maintain, and decommission CR3 and the CR3 ISFSI. Duke Energy Florida, LLC (DEF) is the licensed owner of CR3. CR3 is located in Citrus County, Florida.

II.

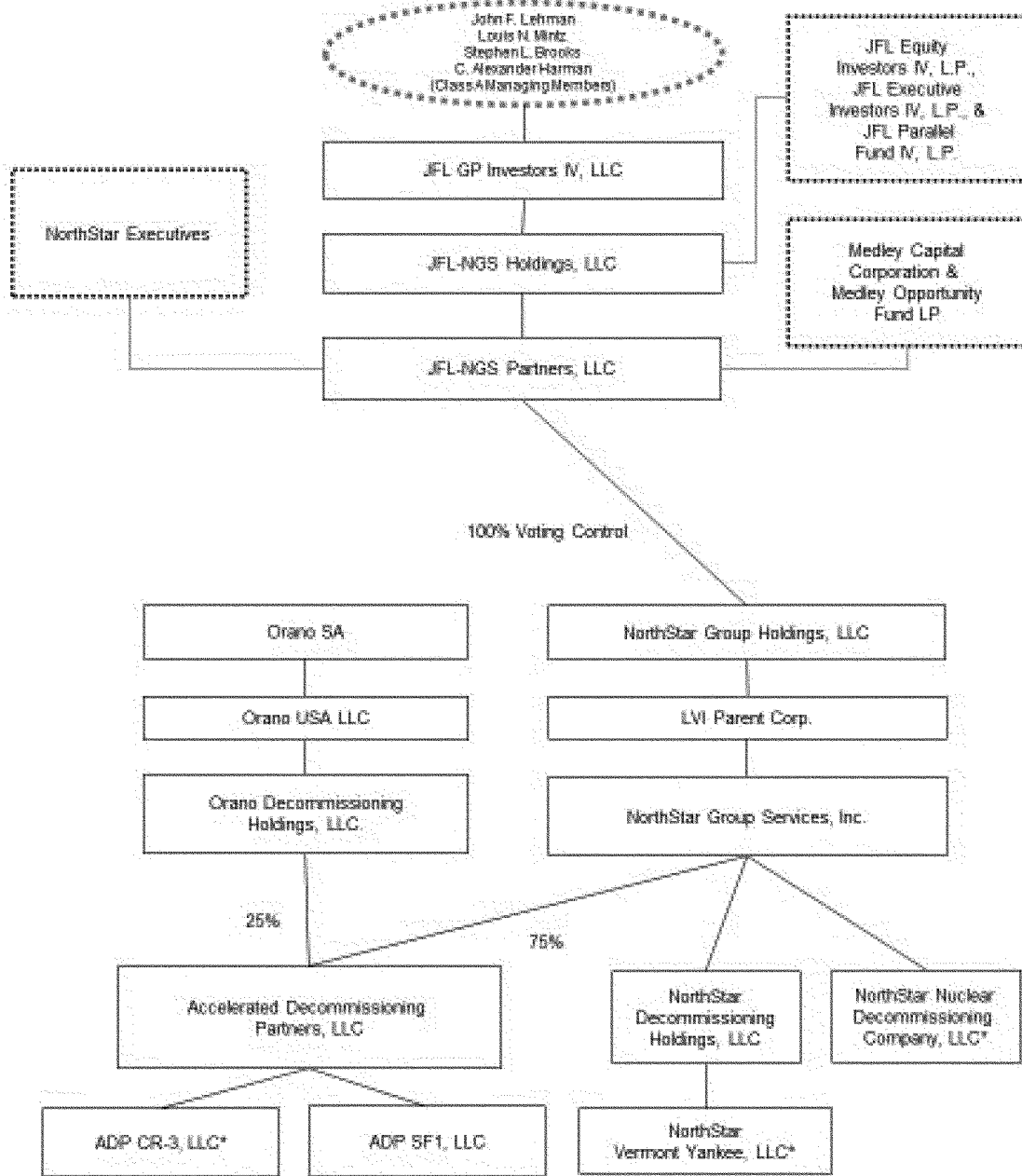
By application dated November 19, 2020 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML20324A058), as supplemented by letter dated April 13,

2021 (ADAMS Accession No. ML21103A415), NNDC and ADP CR3, on behalf of themselves, NVY, and their corporate parents related to NorthStar Group Services, Inc. (NorthStar) (collectively, the Applicants), requested, pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Sections 50.80 and 72.50, that the U.S. Nuclear Regulatory Commission (NRC, the Commission) consent to (1) the indirect transfer of control of NNDC's licensed authority under, and NVY's licensed ownership of, Renewed Facility Operating License No. DPR-28 for Vermont Yankee and the general license for the Vermont Yankee ISFSI; and (2) the indirect transfer of control of ADP CR3's licensed authority under Facility Operating License No. DPR-72 for CR3

and the general license for the CR3 ISFSI. DEF will remain the licensed owner of CR3, and the application does not involve any direct or indirect transfer of DEF's license or responsibilities. No physical changes to the Vermont Yankee or CR3 facilities or operational changes are proposed. The Applicants requested NRC consent to these indirect transfers in order to complete an internal reorganization with new intermediary holding companies that would acquire control of NorthStar. The current intermediary holding company structure and the proposed intermediary holding company structure are described in Figures 1 and 2, respectively.

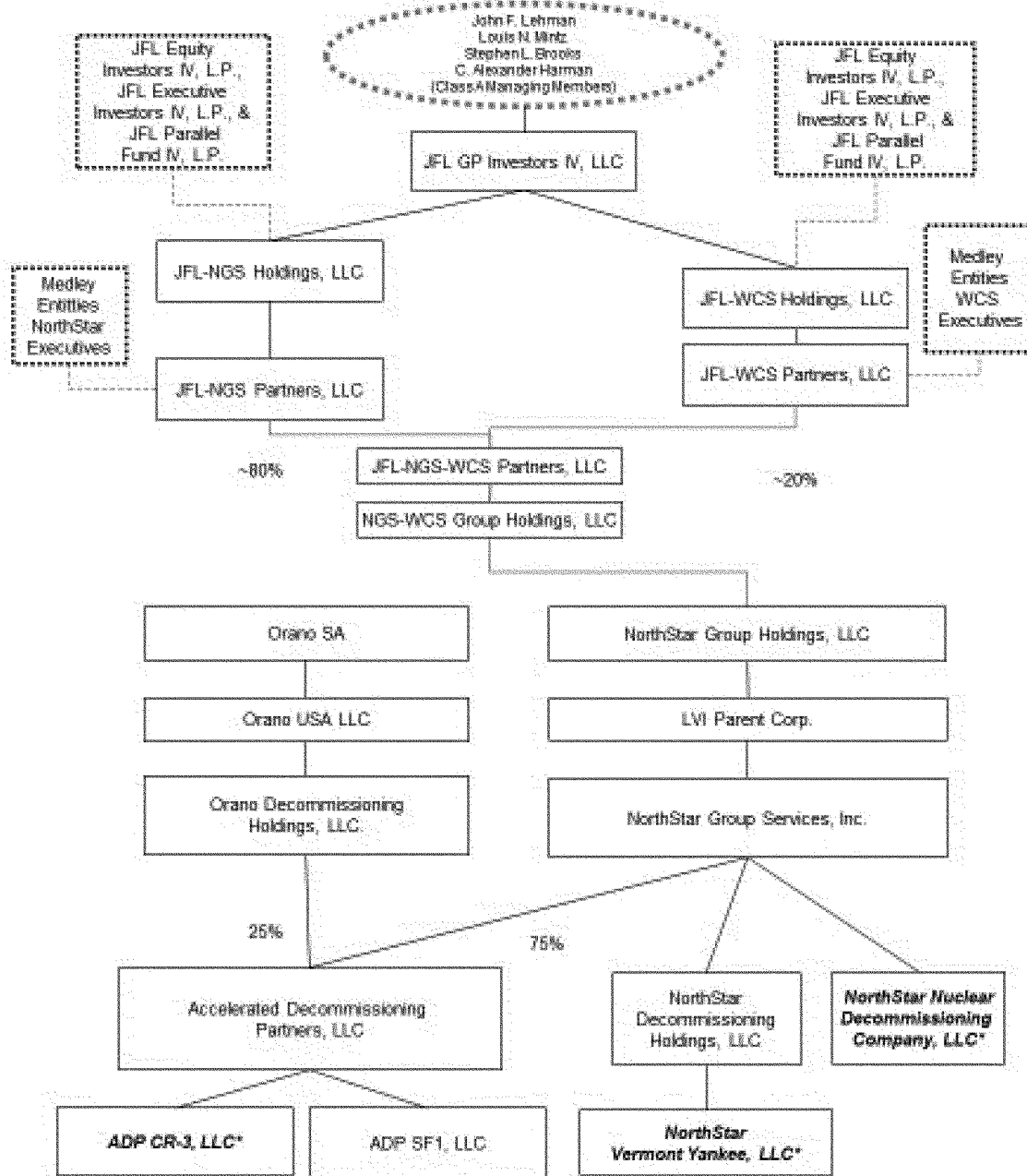
BILLING CODE 7590-01-P

Figure 1: SIMPLIFIED ORGANIZATION CHART - PRIOR



* NRC Licensed Entities

Figure 2: SIMPLIFIED ORGANIZATION CHART - AFTER INDIRECT TRANSFER



* Entities Holding NRC Licenses

BILLING CODE 7590-01-C

Notices entitled “Vermont Yankee Nuclear Power Station; Consideration of Approval of Transfer of License” and “Crystal River Unit 3 Nuclear Generating Plant; Consideration of Approval of Transfer of License,” were published in the **Federal Register** (FR) on April 2, 2021 (86 FR 17415 and 86 FR 17412, respectively). The NRC did

not receive any comments or hearing requests related to these notices.

Under 10 CFR 50.80 and 10 CFR 72.50, no license for a production or utilization facility or ISFSI, or any right thereunder, shall be transferred, either voluntarily or involuntarily, directly or indirectly, through transfer of control of the license to any person, unless the Commission gives its consent in writing. Upon review of the information in the

application, and other information before the Commission, the NRC staff has determined that the Applicants can indirectly transfer their licenses via the intermediary holding company structure proposed in the application. The proposed transferees are qualified to have indirect control over the holders of the licenses and the indirect transfer of the licenses is otherwise consistent with applicable provisions of law,

regulations, and orders issued by the Commission pursuant thereto.

The findings set forth above are supported by an NRC staff safety evaluation dated the same date as this Order, which is available at ADAMS Accession No. ML21159A042.

III.

Accordingly, pursuant to Sections 161b, 161i, and 184 of the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2201(b), 2201(i), and 2234; and 10 CFR 50.80 and 10 CFR 72.50, *it is hereby ordered* that the application regarding the proposed indirect license transfers is approved for Vermont Yankee, CR3, and their respective ISFSIs.

It is further ordered that after receipt of all required regulatory approvals of the proposed indirect transfer action, the Applicants shall inform the Director of the NRC Office of Nuclear Material Safety and Safeguards in writing of such receipt, and of the date of the closing of the transfer, no later than two business days prior to the date of the closing of the transfer. Should the proposed indirect transfer not be completed within 1 year of the date of this Order, this Order shall become null and void, provided, however, upon written application and for good cause shown, such date may be extended by order.

This Order is effective upon issuance.

For further details with respect to this Order, see the indirect license transfer application dated November 19, 2020, the supplemental information dated April 13, 2021, and the NRC staff safety evaluation dated the same date as this Order, which are publicly available electronically through ADAMS in the NRC Library at <https://www.nrc.gov/reading-rm/adams.html>. Persons who encounter problems with ADAMS should contact the NRC's Public Document Room reference staff by telephone at 1-800-397-4209 or 301-415-4737 or by email to pdr.resource@nrc.gov.

Dated this 28th day of June, 2021.

For the Nuclear Regulatory Commission.

John W. Lubinski,

Director, Office of Nuclear Material, Safety, and Safeguards.

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NUCLEAR REGULATORY COMMISSION

[NRC-2021-0118]

Applications and Amendments to Facility Operating Licenses and Combined Licenses Involving Proposed No Significant Hazards Considerations and Containing Sensitive Unclassified Non-Safeguards Information and Safeguards Information and Order Imposing Procedures for Access to Sensitive Unclassified Non-Safeguards Information and Safeguards Information

AGENCY: Nuclear Regulatory Commission.

ACTION: License amendment request; notice of opportunity to comment, request a hearing, and petition for leave to intervene; order imposing procedures.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) received and is considering approval of two amendment requests. The amendment requests are for Perry Nuclear Power Plant, Unit 1 and Three Mile Island Nuclear Station, Unit 1. For each amendment request, the NRC proposes to determine that they involve no significant hazards consideration (NSHC). Because each amendment request contains sensitive unclassified non-safeguards information (SUNSI) and safeguards information (SGI), an order imposes procedures to obtain access to SUNSI and SGI for contention preparation by persons who file a hearing request or petition for leave to intervene.

DATES: Comments must be filed by August 5, 2021. A request for a hearing or petitions for leave to intervene must be filed by September 7, 2021. Any potential party as defined in section 2.4 of title 10 of the *Code of Federal Regulations* (10 CFR) who believes access to SUNSI and/or SGI is necessary to respond to this notice must request document access by July 16, 2021.

ADDRESSES: You may submit comments by any of the following methods; however, the NRC encourages electronic comment submission through the Federal Rulemaking website:

- *Federal Rulemaking Website:* Go to <https://www.regulations.gov> and search for Docket ID NRC-2021-0118. Address questions about Docket IDs in [Regulations.gov](https://www.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:

Paula Blechman, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone: 301-415-2242, email: Paula.Blechman@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC-2021-0118, facility name, unit number(s), docket number(s), application date, and subject 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-2021-0118.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "Begin Web-based ADAMS Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737, or by email to pdr.resource@nrc.gov. The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.

- *Attention:* The PDR, where you may examine and order copies of public documents, is currently closed. You may submit your request to the PDR via email at pdr.resource@nrc.gov or call 1-800-397-4209 or 301-415-4737, between 8:00 a.m. and 4:00 p.m. (EST), Monday through Friday, except Federal holidays.

B. Submitting Comments

The NRC encourages electronic comment submission through the Federal Rulemaking website (<https://www.regulations.gov>). Please include Docket ID NRC-2021-0118, facility name, unit number(s), docket

number(s), application date, and subject, in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at <https://www.regulations.gov> as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Background

Pursuant to Section 189a.(2) of the Atomic Energy Act of 1954, as amended (the Act), the NRC is publishing this notice. The Act requires the Commission to publish notice of any amendments issued, or proposed to be issued and grants the Commission the authority to issue and make immediately effective any amendment to an operating license or combined license, as applicable, upon a determination by the Commission that such amendment involves NSHC, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This notice includes notices of amendments containing SUNSI and SGI.

III. Notice of Consideration of Issuance of Amendments to Facility Operating Licenses and Combined Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The Commission has made a proposed determination that the following amendment requests involve NSHC. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated, or (2) create the possibility of a new or different kind of accident from any accident previously evaluated, or (3) involve a significant reduction in a margin of safety. The basis for this

proposed determination for each amendment request is shown as follows.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of 60 days after the date of publication of this notice. The Commission may issue the license amendment before expiration of the 60-day period provided that its final determination is that the amendment involves no significant hazards consideration. In addition, the Commission may issue the amendment prior to the expiration of the 30-day comment period if circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility. If the Commission takes action prior to the expiration of either the comment period or the notice period, it will publish a notice of issuance in the **Federal Register**. If the Commission makes a final no significant hazards consideration determination, any hearing will take place after issuance. The Commission expects that the need to take this action will occur very infrequently.

A. Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 60 days after the date of publication of this notice, any persons (petitioner) whose interest may be affected by any of these actions may file a request for a hearing and petition for leave to intervene (petition) with respect to that action. Petitions shall be filed in accordance with the Commission's "Agency Rules of Practice and Procedure" in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.309. The NRC's regulations are accessible electronically from the NRC Library on the NRC's website at <https://www.nrc.gov/reading-rm/doc-collections/cfr/>. If a petition is filed, the Commission or a presiding officer will rule on the petition and, if appropriate, a notice of a hearing will be issued.

As required by 10 CFR 2.309(d) the petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements for standing: (1) The name, address, and telephone number of the petitioner; (2) the nature of the petitioner's right to be made a party to the proceeding; (3) the nature and extent of the petitioner's

property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the petitioner's interest.

In accordance with 10 CFR 2.309(f), the petition must also set forth the specific contentions that the petitioner seeks to have litigated in the proceeding. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner must provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion that support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to the specific sources and documents on which the petitioner intends to rely to support its position on the issue. The petition must include sufficient information to show that a genuine dispute exists with the applicant or licensee on a material issue of law or fact. Contentions must be limited to matters within the scope of the proceeding. The contention must be one that, if proven, would entitle the petitioner to relief. A petitioner who fails to satisfy the requirements at 10 CFR 2.309(f) with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene. Parties have the opportunity to participate fully in the conduct of the hearing with respect to resolution of that party's admitted contentions, including the opportunity to present evidence, consistent with the NRC's regulations, policies, and procedures.

Petitions must be filed no later than 60 days from the date of publication of this notice. Petitions and motions for leave to file new or amended contentions that are filed after the deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i) through (iii). The petition must be filed in accordance with the filing instructions in the "Electronic Submissions (E-Filing)" section of this document.

If a hearing is requested, and the Commission has not made a final determination on the issue of NSHC, the Commission will make a final determination on the issue of NSHC. The final determination will serve to establish when the hearing is held. If the final determination is that the amendment request involves NSHC, the

Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, then any hearing held would take place before the issuance of the amendment unless the Commission finds an imminent danger to the health or safety of the public, in which case it will issue an appropriate order or rule under 10 CFR part 2.

A State, local governmental body, Federally recognized Indian Tribe, or agency thereof, may submit a petition to the Commission to participate as a party under 10 CFR 2.309(h)(1). The petition should state the nature and extent of the petitioner's interest in the proceeding. The petition should be submitted to the Commission no later than 60 days from the date of publication of this notice. The petition must be filed in accordance with the filing instructions in the "Electronic Submissions (E-Filing)" section of this document, and should meet the requirements for petitions set forth in this section, except that under 10 CFR 2.309(h)(2) a State, local governmental body, or Federally recognized Indian Tribe, or agency thereof does not need to address the standing requirements in 10 CFR 2.309(d) if the facility is located within its boundaries. Alternatively, a State, local governmental body, Federally recognized Indian Tribe, or agency thereof may participate as a non-party under 10 CFR 2.315(c).

If a petition is submitted, any person who is not a party to the proceeding and is not affiliated with or represented by a party may, at the discretion of the presiding officer, be permitted to make a limited appearance pursuant to the provisions of 10 CFR 2.315(a). A person making a limited appearance may make an oral or written statement of his or her position on the issues but may not otherwise participate in the proceeding. A limited appearance may be made at any session of the hearing or at any prehearing conference, subject to the limits and conditions as may be imposed by the presiding officer. Details regarding the opportunity to make a limited appearance will be provided by the presiding officer if such sessions are scheduled.

B. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings including documents filed by an interested State, local governmental body, Federally recognized Indian Tribe, or designated

agency thereof that requests to participate under 10 CFR 2.315(c), must be filed in accordance with 10 CFR 2.302. The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases, to mail copies on electronic storage media, unless an exemption permitting an alternative filing method, as discussed below, is granted. Detailed guidance on electronic submissions is located in the Guidance for Electronic Submissions to the NRC (ADAMS Accession No. ML13031A056) and on the NRC website at <https://www.nrc.gov/site-help/e-submittals.html>.

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at hearing.docket@nrc.gov, or by telephone at 301-415-1677, to (1) request a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign submissions and access the E-Filing system for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a petition or other adjudicatory document (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public website at <https://www.nrc.gov/site-help/e-submittals/getting-started.html>. After a digital ID certificate is obtained and a docket created, the participant must submit adjudicatory documents in Portable Document Format. Guidance on submissions is available on the NRC's public website at <https://www.nrc.gov/site-help/electronic-sub-ref-mat.html>. A filing is considered complete at the time the document is submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time stamps the document and sends the submitter an email confirming receipt of the document. The E-Filing system also distributes an email that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the

filer need not serve the document on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before adjudicatory documents are filed to obtain access to the documents via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC's Electronic Filing Help Desk through the "Contact Us" link located on the NRC's public website at <https://www.nrc.gov/site-help/e-submittals.html>, by email to MSHD.Resource@nrc.gov, or by a toll-free call at 1-866-672-7640. The NRC Electronic Filing Help Desk is available between 9 a.m. and 6 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing stating why there is good cause for not filing electronically and requesting authorization to continue to submit documents in paper format. Such filings must be submitted in accordance with 10 CFR 2.302(b)-(d). Participants filing adjudicatory documents in this manner are responsible for serving their documents on all other participants. Participants granted an exemption under 10 CFR 2.302(g)(2) must still meet the electronic formatting requirement in 10 CFR 2.302(g)(1), unless the participant also seeks and is granted an exemption from 10 CFR 2.302(g)(1).

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket, which is publicly available at <https://adams.nrc.gov/ehd>, unless excluded pursuant to an order of the presiding officer. If you do not have an NRC-issued digital ID certificate as described above, click "cancel" when the link requests certificates and you will be automatically directed to the NRC's electronic hearing dockets where you will be able to access any publicly available documents in a particular hearing docket. Participants are requested not to include personal privacy information such as social security numbers, home addresses, or personal phone numbers in their filings unless an NRC regulation or other law requires submission of such information. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants should not include

copyrighted materials in their submission.

Energy Harbor Nuclear Corp. and Energy Harbor Nuclear Generation LLC; Perry Nuclear Power Plant, Unit 1; Lake County, OH

Docket No(s)	50-440.
Application Date	April 7, 2021.
ADAMS Accession No	ML21106A027 (Package).
Location in Application of NSHC	Pages 51-52 of Enclosure A.
Brief Description of Amendment(s)	The proposed amendment would revise the Updated Safety Analysis Report to change the methodology used for analysis of flooding hazards and drainage within the local intense precipitation domain and reflect the results from the new analysis. Based on the new analysis, a new flood hazard protection scheme is also proposed for Perry Nuclear Power Plant, Unit 1.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Rick Giannantonio, General Counsel, Energy Harbor Nuclear Corp., Mail Stop A-GO-15, 76 South Main Street, Akron, OH 44308.
NRC Project Manager, Telephone Number	Scott Wall, 301-415-2855.

Exelon Generation Company, LLC; Three Mile Island Nuclear Station, Unit 1; Dauphin County, PA

Docket No(s)	50-289, 72-077.
Application Date	April 29, 2021.
ADAMS Accession No	ML21145A183.
Location in Application of NSHC	Pages 5-6 of Attachment 1.
Brief Description of Amendment(s)	Exelon Generation Company, LLC requests an amendment to Renewed Facility License No. DRP-50 for Three Mile Island Nuclear Station, Unit 1 (TMI-1) and the approval of the proposed TMI-1 Independent Spent Fuel Storage Installation (ISFSI) Security Plan, Training and Qualification Plan, and Safeguards Contingency Plan (ISFSI Security Plan) and Alternative Measures. The proposed amendment would revise the TMI-1 license to reflect the requirements for an ISFSI only configuration, consistent with the permanent removal of all spent fuel from the spent fuel pool.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Donald P. Ferraro, Assistant General Counsel, Exelon Generation Company, LLC, 200 Exelon Way, Suite 305, Kennett Square, PA 19348.
NRC Project Manager, Telephone Number	Theodore Smith, 301-415-6721.

Order Imposing Procedures for Access to Sensitive Unclassified Non-Safeguards Information and Safeguards Information for Contention Preparation

Energy Harbor Nuclear Corp. and Energy Harbor Nuclear Generation LLC; Perry Nuclear Power Plant, Unit 1; Lake County, OH

Exelon Generation Company, LLC; Three Mile Island Nuclear Station, Unit 1; Dauphin County, PA

A. This Order contains instructions regarding how potential parties to this proceeding may request access to documents containing sensitive unclassified information (including SUNSI and SGI). Requirements for access to SGI are primarily set forth in 10 CFR parts 2 and 73. Nothing in this Order is intended to conflict with the SGI regulations.

B. Within 10 days after publication of this notice of hearing and opportunity to petition for leave to intervene, any potential party who believes access to SUNSI or SGI is necessary to respond to this notice may request access to SUNSI or SGI. A "potential party" is any person who intends to participate as a party by demonstrating standing and filing an admissible contention under 10 CFR 2.309. Requests for access to SUNSI

or SGI submitted later than 10 days after publication will not be considered absent a showing of good cause for the late filing, addressing why the request could not have been filed earlier.

C. The requestor shall submit a letter requesting permission to access SUNSI, SGI, or both to the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff, and provide a copy to the Deputy General Counsel for Hearings and Administration, Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. The expedited delivery or courier mail address for both offices is: U.S. Nuclear Regulatory Commission, 11555 Rockville Pike, Rockville, Maryland 20852. The email address for the Office of the Secretary and the Office of the General Counsel are Hearing.Docket@nrc.gov and RidsOgcMailCenter.Resource@nrc.gov, respectively.¹ The request must include the following information:

¹ While a request for hearing or petition to intervene in this proceeding must comply with the filing requirements of the NRC's "E-Filing Rule," the initial request to access SUNSI and/or SGI under these procedures should be submitted as described in this paragraph.

(1) A description of the licensing action with a citation to this **Federal Register** notice;

(2) The name and address of the potential party and a description of the potential party's particularized interest that could be harmed by the action identified in C.(1);

(3) If the request is for SUNSI, the identity of the individual or entity requesting access to SUNSI and the requestor's basis for the need for the information in order to meaningfully participate in this adjudicatory proceeding. In particular, the request must explain why publicly available versions of the information requested would not be sufficient to provide the basis and specificity for a proffered contention; and

(4) If the request is for SGI, the identity of each individual who would have access to SGI if the request is granted, including the identity of any expert, consultant, or assistant who will aid the requestor in evaluating the SGI. In addition, the request must contain the following information:

(a) A statement that explains each individual's "need to know" the SGI, as required by 10 CFR 73.2 and 10 CFR 73.22(b)(1). Consistent with the definition of "need to know" as stated

in 10 CFR 73.2, the statement must explain:

(i) Specifically why the requestor believes that the information is necessary to enable the requestor to proffer and/or adjudicate a specific contention in this proceeding;² and

(ii) The technical competence (demonstrable knowledge, skill, training or education) of the requestor to effectively utilize the requested SGI to provide the basis and specificity for a proffered contention. The technical competence of a potential party or its counsel may be shown by reliance on a qualified expert, consultant, or assistant who satisfies these criteria.

(b) A completed Form SF-85, "Questionnaire for Non-Sensitive Positions," for each individual who would have access to SGI. The completed Form SF-85 will be used by the Office of Administration to conduct the background check required for access to SGI, as required by 10 CFR part 2, subpart C, and 10 CFR 73.22(b)(2), to determine the requestor's trustworthiness and reliability. For security reasons, Form SF-85 can only be submitted electronically through the Electronic Questionnaires for Investigations Processing (e-QIP) website, a secure website that is owned and operated by the Defense Counterintelligence and Security Agency (DCSA). To obtain online access to the form, the requestor should contact the NRC's Office of Administration at 301-415-3710.³

(c) A completed Form FD-258 (fingerprint card), signed in original ink, and submitted in accordance with 10 CFR 73.57(d). Copies of Form FD-258 will be provided in the background check request package supplied by the Office of Administration for each individual for whom a background check is being requested. The fingerprint card will be used to satisfy the requirements of 10 CFR part 2, subpart C, 10 CFR 73.22(b)(1), and Section 149 of the Atomic Energy Act of 1954, as amended, which mandates that all persons with access to SGI must be fingerprinted for a Federal Bureau of

² Broad SGI requests under these procedures are unlikely to meet the standard for need to know; furthermore, NRC staff redaction of information from requested documents before their release may be appropriate to comport with this requirement. These procedures do not authorize unrestricted disclosure or less scrutiny of a requestor's need to know than ordinarily would be applied in connection with an already admitted contention or non-adjudicatory access to SGI.

³ The requestor will be asked to provide his or her full name, social security number, date and place of birth, telephone number, and email address. After providing this information, the requestor usually should be able to obtain access to the online form within one business day.

Investigation identification and criminal history records check.

(d) A check or money order payable in the amount of \$326.00⁴ to the U.S. Nuclear Regulatory Commission for each individual for whom the request for access has been submitted.

(e) If the requestor or any individual(s) who will have access to SGI believes they belong to one or more of the categories of individuals that are exempt from the criminal history records check and background check requirements in 10 CFR 73.59, the requestor should also provide a statement identifying which exemption the requestor is invoking and explaining the requestor's basis for believing that the exemption applies. While processing the request, the Office of Administration, Personnel Security Branch, will make a final determination whether the claimed exemption applies. Alternatively, the requestor may contact the Office of Administration for an evaluation of their exemption status prior to submitting their request. Persons who are exempt from the background check are not required to complete the SF-85 or Form FD-258; however, all other requirements for access to SGI, including the need to know, are still applicable.

Note: Copies of documents and materials required by paragraphs C.(4)(b), (c), and (d) of this Order must be sent to the following address: U.S. Nuclear Regulatory Commission, Office of Administration, ATTN: Personnel Security Branch, Mail Stop: TWFN-07D04M, 11555 Rockville Pike, Rockville, MD 20852.

These documents and materials should *not* be included with the request letter to the Office of the Secretary, but the request letter should state that the forms and fees have been submitted as required.

D. To avoid delays in processing requests for access to SGI, the requestor should review all submitted materials for completeness and accuracy (including legibility) before submitting them to the NRC. The NRC will return incomplete packages to the sender without processing.

E. Based on an evaluation of the information submitted under paragraphs C.(3) or C.(4) above, as applicable, the NRC staff will determine within 10 days of receipt of the request whether:

(1) There is a reasonable basis to believe the petitioner is likely to establish standing to participate in this NRC proceeding; and

⁴ This fee is subject to change pursuant to the DCSA's adjustable billing rates.

(2) The requestor has established a legitimate need for access to SUNSI or need to know the SGI requested.

F. For requests for access to SUNSI, if the NRC staff determines that the requestor satisfies both E.(1) and E.(2), the NRC staff will notify the requestor in writing that access to SUNSI has been granted. The written notification will contain instructions on how the requestor may obtain copies of the requested documents, and any other conditions that may apply to access to those documents. These conditions may include, but are not limited to, the signing of a Non-Disclosure Agreement or Affidavit, or Protective Order setting forth terms and conditions to prevent the unauthorized or inadvertent disclosure of SUNSI by each individual who will be granted access to SUNSI.⁵

G. For requests for access to SGI, if the NRC staff determines that the requestor has satisfied both E.(1) and E.(2), the Office of Administration will then determine, based upon completion of the background check, whether the proposed recipient is trustworthy and reliable, as required for access to SGI by 10 CFR 73.22(b). If the Office of Administration determines that the individual or individuals are trustworthy and reliable, the NRC will promptly notify the requestor in writing. The notification will provide the names of approved individuals as well as the conditions under which the SGI will be provided. Those conditions may include, but are not limited to, the signing of a Non-Disclosure Agreement or Affidavit, or Protective Order⁶ by each individual who will be granted access to SGI.

H. Release and Storage of SGI. Prior to providing SGI to the requestor, the NRC staff will conduct (as necessary) an inspection to confirm that the recipient's information protection system is sufficient to satisfy the requirements of 10 CFR 73.22. Alternatively, recipients may opt to view SGI at an approved SGI storage location rather than establish their own SGI protection program to meet SGI protection requirements.

I. Filing of Contentions. Any contentions in these proceedings that

⁵ Any motion for Protective Order or draft Non-Disclosure Affidavit or Agreement for SUNSI must be filed with the presiding officer or the Chief Administrative Judge if the presiding officer has not yet been designated, within 30 days of the deadline for the receipt of the written access request.

⁶ Any motion for Protective Order or draft Non-Disclosure Agreement or Affidavit for SGI must be filed with the presiding officer or the Chief Administrative Judge if the presiding officer has not yet been designated, within 180 days of the deadline for the receipt of the written access request.

are based upon the information received as a result of the request made for SUNSI or SGI must be filed by the requestor no later than 25 days after receipt of (or access to) that information. However, if more than 25 days remain between the petitioner's receipt of (or access to) the information and the deadline for filing all other contentions (as established in the notice of hearing or opportunity for hearing), the petitioner may file its SUNSI or SGI contentions by that later deadline.

J. Review of Denials of Access.

(1) If the request for access to SUNSI or SGI is denied by the NRC staff either after a determination on standing and requisite need, or after a determination on trustworthiness and reliability, the NRC staff shall immediately notify the requestor in writing, briefly stating the reason or reasons for the denial.

(2) Before the Office of Administration makes a final adverse determination regarding the trustworthiness and reliability of the proposed recipient(s) for access to SGI, the Office of Administration, in accordance with 10 CFR 2.336(f)(1)(iii), must provide the proposed recipient(s) any records that were considered in the trustworthiness and reliability determination, including those required to be provided under 10 CFR 73.57(e)(1), so that the proposed recipient(s) have an opportunity to correct or explain the record.

(3) The requestor may challenge the NRC staff's adverse determination with respect to access to SUNSI or with respect to standing or need to know for SGI by filing a challenge within 5 days of receipt of that determination with: (a) The presiding officer designated in this proceeding; (b) if no presiding officer has been appointed, the Chief Administrative Judge, or if he or she is unavailable, another administrative judge, or an Administrative Law Judge with jurisdiction pursuant to 10 CFR 2.318(a); or (c) if another officer has been designated to rule on information access issues, with that officer.

(4) The requestor may challenge the Office of Administration's final adverse determination with respect to trustworthiness and reliability for access to SGI by filing a request for review in accordance with 10 CFR 2.336(f)(1)(iv).

(5) Further appeals of decisions under this paragraph must be made pursuant to 10 CFR 2.311.

K. Review of Grants of Access. A party other than the requestor may challenge an NRC staff determination granting access to SUNSI whose release would harm that party's interest independent of the proceeding. Such a challenge must be filed within 5 days of the notification by the NRC staff of its grant of access and must be filed with: (a) The presiding officer designated in this proceeding; (b) if no presiding officer has been appointed, the Chief Administrative Judge, or if he or she is

unavailable, another administrative judge, or an Administrative Law Judge with jurisdiction pursuant to 10 CFR 2.318(a); or (c) if another officer has been designated to rule on information access issues, with that officer.

If challenges to the NRC staff determinations are filed, these procedures give way to the normal process for litigating disputes concerning access to information. The availability of interlocutory review by the Commission of orders ruling on such NRC staff determinations (whether granting or denying access) is governed by 10 CFR 2.311.⁷

L. The Commission expects that the NRC staff and presiding officers (and any other reviewing officers) will consider and resolve requests for access to SUNSI or SGI, and motions for protective orders, in a timely fashion in order to minimize any unnecessary delays in identifying those petitioners who have standing and who have propounded contentions meeting the specificity and basis requirements in 10 CFR part 2. The attachment to this Order summarizes the general target schedule for processing and resolving requests under these procedures.

It is so ordered.

Dated: June 7, 2021.

For the Nuclear Regulatory Commission.
Annette L. Vietti-Cook,
Secretary of the Commission.

ATTACHMENT 1—GENERAL TARGET SCHEDULE FOR PROCESSING AND RESOLVING REQUESTS FOR ACCESS TO SENSITIVE UNCLASSIFIED NON-SAFEGUARDS INFORMATION AND SAFEGUARDS INFORMATION IN THIS PROCEEDING

Day	Event/activity
0	Publication of FEDERAL REGISTER notice of hearing and opportunity to petition for leave to intervene, including order with instructions for access requests.
10	Deadline for submitting requests for access to Sensitive Unclassified Non-Safeguards Information (SUNSI) and/or Safeguards Information (SGI) with information: supporting the standing of a potential party identified by name and address; describing the need for the information in order for the potential party to participate meaningfully in an adjudicatory proceeding; demonstrating that access should be granted (e.g., showing technical competence for access to SGI); and, for SGI, including application fee for fingerprint/background check.
60	Deadline for submitting petition for intervention containing: (i) Demonstration of standing; (ii) all contentions whose formulation does not require access to SUNSI and/or SGI (+25 Answers to petition for intervention; +7 requestor/petitioner reply).
20	U.S. Nuclear Regulatory Commission (NRC) staff informs the requestor of the staff's determination whether the request for access provides a reasonable basis to believe standing can be established and shows (1) need for SUNSI or (2) need to know for SGI. (For SUNSI, NRC staff also informs any party to the proceeding whose interest independent of the proceeding would be harmed by the release of the information.) If NRC staff makes the finding of need for SUNSI and likelihood of standing, NRC staff begins document processing (preparation of redactions or review of redacted documents). If NRC staff makes the finding of need to know for SGI and likelihood of standing, NRC staff begins background check (including fingerprinting for a criminal history records check), information processing (preparation of redactions or review of redacted documents), and readiness inspections.
25	If NRC staff finds no "need," no "need to know," or no likelihood of standing, the deadline for requestor/petitioner to file a motion seeking a ruling to reverse the NRC staff's denial of access; NRC staff files copy of access determination with the presiding officer (or Chief Administrative Judge or other designated officer, as appropriate). If NRC staff finds "need" for SUNSI, the deadline for any party to the proceeding whose interest independent of the proceeding would be harmed by the release of the information to file a motion seeking a ruling to reverse the NRC staff's grant of access.
30	Deadline for NRC staff reply to motions to reverse NRC staff determination(s).

⁷Requestors should note that the filing requirements of the NRC's E-Filing Rule (72 FR 49139; August 28, 2007, as amended at 77 FR

46562; August 3, 2012) apply to appeals of NRC staff determinations (because they must be served on a presiding officer or the Commission, as

applicable), but not to the initial SUNSI/SGI request submitted to the NRC staff under these procedures.

ATTACHMENT 1—GENERAL TARGET SCHEDULE FOR PROCESSING AND RESOLVING REQUESTS FOR ACCESS TO SENSITIVE UNCLASSIFIED NON-SAFEGUARDS INFORMATION AND SAFEGUARDS INFORMATION IN THIS PROCEEDING—Continued

Day	Event/activity
40	(Receipt +30) If NRC staff finds standing and need for SUNSI, deadline for NRC staff to complete information processing and file motion for Protective Order and draft Non-Disclosure Affidavit. Deadline for applicant/licensee to file Non-Disclosure Agreement for SUNSI.
190	(Receipt +180) If NRC staff finds standing, need to know for SGI, and trustworthiness and reliability, deadline for NRC staff to file motion for Protective Order and draft Non-disclosure Affidavit (or to make a determination that the proposed recipient of SGI is not trustworthy or reliable). Note: Before the Office of Administration makes a final adverse determination regarding access to SGI, the proposed recipient must be provided an opportunity to correct or explain information.
205	Deadline for petitioner to seek reversal of a final adverse NRC staff trustworthiness or reliability determination under 10 CFR 2.336(f)(1)(iv).
A	If access granted: Issuance of a decision by a presiding officer or other designated officer on motion for protective order for access to sensitive information (including schedule for providing access and submission of contentions) or decision reversing a final adverse determination by the NRC staff.
A + 3	Deadline for filing executed Non-Disclosure Affidavits. Access provided to SUNSI and/or SGI consistent with decision issuing the protective order.
A + 28	Deadline for submission of contentions whose development depends upon access to SUNSI and/or SGI. However, if more than 25 days remain between the petitioner's receipt of (or access to) the information and the deadline for filing all other contentions (as established in the notice of opportunity to request a hearing and petition for leave to intervene), the petitioner may file its SUNSI or SGI contentions by that later deadline.
A + 53	(Contention receipt +25) Answers to contentions whose development depends upon access to SUNSI and/or SGI.
A + 60	(Answer receipt +7) Petitioner/Intervenor reply to answers.
>A + 60	Decision on contention admission.

[FR Doc. 2021-12277 Filed 7-2-21; 8:45 am]

BILLING CODE 7590-01-P

OFFICE OF PERSONNEL MANAGEMENT

Submission for Review: Claim for Unpaid Compensation for Deceased Civilian Employee, SF 1153, 3206-0234

AGENCY: Office of Personnel Management.

ACTION: 60-Day notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 as amended by the Clinger-Cohen Act, this notice announces that the U.S. Office of Personnel Management (OPM) intends to submit to the Office of Management and Budget (OMB) a request for review of an expiring information collection. Standard Form 1153, Claim for Unpaid Compensation for Deceased Civilian Employee, is used to collect information from individuals who have been designated as beneficiaries of the unpaid compensation of a deceased Federal employee who believe that their relationship to the deceased entitles them to receive the unpaid compensation of the deceased Federal employee. OPM needs this information in order to adjudicate the claim and properly assign a deceased Federal employee's unpaid compensation to the appropriate individual(s).

DATES: Comments are encouraged and will be accepted until September 7, 2021. This process is conducted in accordance with 5 CFR 1320.1.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Merit System Accountability and Compliance, Office of Personnel Management, 1900 E Street NW, Washington, DC 20415, Attention: Damon Ford or sent via electronic mail to damon.ford@opm.gov.

FOR FURTHER INFORMATION CONTACT: A copy of this ICR, with applicable supporting documentation, may be obtained by contacting the Compensation and Leave Claims Program, Office of Personnel Management, 1900 E Street NW, Washington, DC 20415, Attention: Damon Ford or sent via electronic mail to damon.ford@opm.gov or 202-606-2980.

SUPPLEMENTARY INFORMATION: The Office of Management and Budget is particularly interested in comments that:

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.

MSAC adjudicates classification appeals, job-grading appeals, FLSA Claims, compensation and leave Claims, and declination of reasonable offer appeals, as well as the settling of disputed Claims for unpaid compensation due deceased Federal employees. This adjudicative function provides Federal employees administrative due process rights to challenge compensation and related agency decisions without having to seek redress in Federal courts. These decisions are also a critical resource for agency HR offices in making their own classification, pay, and FLSA determinations.

Analysis

Agency: Merit System Accountability and Compliance, Office of Personnel Management.

Title: Standard Form 1153, Claim for Unpaid Compensation of Deceased Civilian Employee.

OMB Number: 3260-0234.

Frequency: Annually.

Affected Public: Federal Employees and Retirees.

Number of Respondents: 3,000.

Estimated Time per Respondent: 15 minutes.

Total Burden Hours: 750 hours.

Office of Personnel Management.

Alexys Stanley,

Regulatory Affairs Analyst.

[FR Doc. 2021-14160 Filed 7-2-21; 8:45 am]

BILLING CODE 6325-58-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-92291; File No. SR-NYSEArca-2021-52]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the NYSE Arca Equities Fees and Charges

June 29, 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 14, 2021, NYSE Arca, Inc. (“NYSE Arca” or the “Exchange”) filed with the Securities and Exchange Commission (the “Commission”) the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the NYSE Arca Equities Fees and Charges (“Fee Schedule”) to modify the per share credit and fee associated with certain Retail Orders that add and remove liquidity. The Exchange proposes to implement the fee change effective June 14, 2021.⁴ The proposed rule change is available on the Exchange’s website at www.nyse.com, at the principal office of the Exchange, and at the Commission’s Public Reference Room.

II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text

of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization’s Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the Fee Schedule to modify the per share credit and fee associated with certain Retail Orders⁵ that add and remove liquidity. The Exchange proposes to implement the fee change effective June 14, 2021.

Background

The Exchange operates in a highly competitive market. The Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. In Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system “has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.”⁶

While Regulation NMS has enhanced competition, it has also fostered a “fragmented” market structure where trading in a single stock can occur across multiple trading centers. When multiple trading centers compete for order flow in the same stock, the Commission has recognized that “such competition can lead to the fragmentation of order flow in that stock.”⁷ Indeed, equity trading is currently dispersed across 16 exchanges,⁸ numerous alternative

trading systems,⁹ and broker-dealer internalizers and wholesalers, all competing for order flow. Based on publicly-available information, no single exchange currently has more than 17% market share.¹⁰ Therefore, no exchange possesses significant pricing power in the execution of equity order flow. More specifically, the Exchange currently has less than 10% market share of executed volume of equities trading.¹¹

The Exchange believes that the ever-shifting market share among the exchanges from month to month demonstrates that market participants can move order flow, or discontinue or reduce use of certain categories of products. While it is not possible to know a firm’s reason for shifting order flow, the Exchange believes that one such reason is because of fee changes at any of the registered exchanges or non-exchange venues to which a firm routes order flow. The competition for Retail Orders is even more stark, particularly as it relates to exchange versus off-exchange venues.

The Exchange thus needs to compete in the first instance with non-exchange venues for Retail Order flow, and with the 15 other exchange venues for that Retail Order flow that is not directed off-exchange. Accordingly, competitive forces compel the Exchange to use exchange transaction fees and credits, particularly as they relate to competing for Retail Order flow, because market participants can readily trade on competing venues if they deem pricing levels at those other venues to be more favorable.

To respond to this competitive environment, the Exchange has established Retail Order Step-Up tiers,¹² which are designed to provide an incentive for ETP Holders to route Retail Orders to the Exchange by providing higher credits for adding liquidity correlated to an ETP Holder’s higher trading volume in Retail Orders on the Exchange. Under the Retail Order Step-Up Tiers, ETP Holders also do not pay a fee when such Retail Orders have a time-in-force of Day and remove liquidity from the Exchange.

⁵ A Retail Order is an agency order that originates from a natural person and is submitted to the Exchange by an ETP Holder, provided that no change is made to the terms of the order to price or side of market and the order does not originate from a trading algorithm or any other computerized methodology. See Securities Exchange Act Release No. 67540 (July 30, 2012), 77 FR 46539 (August 3, 2012) (SR-NYSEArca-2012-77).

⁶ See Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) (File No. S7-10-04) (Final Rule) (“Regulation NMS”).

⁷ See Securities Exchange Act Release No. 61358, 75 FR 3594, 3597 (January 21, 2010) (File No. S7-02-10) (Concept Release on Equity Market Structure).

⁸ See Cboe U.S. Equities Market Volume Summary, available at https://markets.cboe.com/us/equities/market_share. See generally <https://www.sec.gov/fast-answers/divisionsmarketregmrexchangesshtml.html>.

⁹ See FINRA ATS Transparency Data, available at <https://otctransparency.finra.org/otctransparency/AtsIssueData>. A list of alternative trading systems registered with the Commission is available at <https://www.sec.gov/foia/docs/atstlist.htm>.

¹⁰ See Cboe Global Markets U.S. Equities Market Volume Summary, available at http://markets.cboe.com/us/equities/market_share/.

¹¹ See *id.*

¹² See Retail Order Tier, Retail Order Step-Up Tier 1, Retail Order Step-Up Tier 2 and Retail Order Step-Up Tier 3 on the Fee Schedule.

¹ 15 U.S.C. 78s(b)(1).

² 15 U.S.C. 78a.

³ 17 CFR 240.19b-4.

⁴ The Exchange originally filed to amend the Fee Schedule on June 1, 2021 (SR-NYSEArca-2021-49). SR-NYSEArca-2021-49 was subsequently withdrawn and replaced by this filing.

Proposed Rule Change

In response to this competitive environment, the Exchange proposes to modify the per share credit and fee associated with the execution of orders that are internalized.¹³ An internalized retail order execution is a trade where two Retail Orders that trade against each other share the same Market Participant Identifier (“MPID”). As proposed, the Exchange would not charge a fee or pay a credit for certain orders that qualify for the Retail Order Step-Up Tier 1, Retail Order Step-Up Tier 2 and Retail Order Step-Up Tier 3 pricing tiers. More specifically, the Exchange proposes to not charge a fee or pay a credit for Retail Orders where each side of the executed order shares the same MPID, each side of the executed order is a Retail Order with a time-in-force of Day, and the executed orders have an average daily volume (“ADV”) of at least 150,000 shares. The proposed rule change would not create new means of submitting orders to the Exchange nor would it permit ETP Holders to circumvent the Exchange’s order priority rules. The Exchange’s priority rules would continue to apply as they currently do with respect to the execution of Retail Orders that are the subject of this proposed rule change.

Under the Retail Order Step-Up Tier 1 pricing tier, such orders currently receive a credit of \$0.0038 per share for adding liquidity and do not pay a fee for removing liquidity. Under the Retail Order Step-Up Tier 2 pricing tier, such orders currently receive a credit of \$0.0035 per share for adding liquidity and do not pay a fee for removing liquidity. Lastly, under the Retail Order Step-Up Tier 3 pricing tier, such orders currently receive a credit of \$0.0036 per share for adding liquidity and do not pay a fee for removing liquidity. When both sides of an execution are not Retail Orders or do not share the same MPID, the Exchange will continue to not charge a fee for removing liquidity and will provide the credits noted above. The proposed rule change would not impact orders that qualify for the Retail Order pricing tier that are internalized. Such orders would continue to receive a credit of \$0.0033 per share for providing liquidity and would pay a basic rate fee of \$0.0030 per share for removing liquidity.¹⁴

¹³ This occurs when two orders presented to the Exchange from the same ETP Holder (*i.e.*, MPID) are presented separately and not in a paired manner, but nonetheless inadvertently match with one another.

¹⁴ Under Tier 1, Tier 2 and Tier 3 pricing tiers, such orders would pay a fee of \$0.0029 per share in Tape B securities. See Fee Schedule.

The following example illustrates how the proposed rule change would operate. Assume an ETP holder qualifies for the Retail Order Step-Up Tier 3 pricing tier. As such, the ETP Holder would receive a credit of \$0.0036 per share for Retail Orders that add liquidity and would pay no fee for Retail Orders with a time-in-force of Day that remove liquidity. Further assume that the ETP holder has an ADV of Retail Orders with a time-in-force of Day that remove liquidity of 500,000 shares, of which

- 250,000 shares ADV where both sides of the executed orders share the same MPID and are both Retail Orders with a time-in-force of Day. Both sides of such orders would not pay a fee or receive a credit.
- 100,000 shares ADV where both sides of the executed orders share the same MPID but are not both Retail Orders with a time-in-force of Day (*e.g.*, the liquidity providing order is not a Retail Order). The retail removing shares would continue to not pay a fee for removing liquidity and the non-retail providing shares would continue to receive the tiered or basic rates that are applicable based on the ETP holder’s qualifying levels.

- The remaining 150,000 shares ADV are where both sides of the executed orders do not share the same MPID. The retail removing shares would continue to not pay a fee for removing liquidity and the non-retail providing shares would continue to receive the tiered or basic rates that are applicable based on the ETP holder’s qualifying levels.

If instead, the ETP Holder in the example above has an ADV under 150,000 shares then the ETP Holder would not be subject to the proposed fee change.

The proposed changes are not otherwise intended to address any other issues, and the Exchange is not aware of any significant problems that market participants would have in complying with the proposed changes.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,¹⁵ in general, and furthers the objectives of Sections 6(b)(4) and (5) of the Act,¹⁶ in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

¹⁵ 15 U.S.C. 78f(b).

¹⁶ 15 U.S.C. 78f(b)(4) and (5).

The Proposed Fee Change Is Reasonable

As discussed above, the Exchange operates in a highly fragmented and competitive market. The Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. Specifically, in Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system “has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.”¹⁷

The Exchange believes that the ever-shifting market share among the exchanges from month to month demonstrates that market participants can shift order flow, or discontinue to reduce use of certain categories of products, in response to fee changes. With respect to Retail Orders, ETP Holders can choose from any one of the 16 currently operating registered exchanges, and numerous off-exchange venues, to route such order flow. Accordingly, competitive forces reasonably constrain exchange transaction fees that relate to Retail Orders on an exchange. Stated otherwise, changes to exchange transaction fees can have a direct effect on the ability of an exchange to compete for order flow.

Given this competitive environment, the proposal represents a reasonable attempt to attract additional Retail Orders and retain existing Retail Order flow on the Exchange.

The Exchange believes that the proposed change to adopt lower credits for Retail Orders that are internalized is reasonable because while ETP Holders would no longer receive credits for such orders, they would also continue to not pay any fees for such orders. Further, as noted below, the Exchange believes that not providing a credit and not charging a fee for Retail Orders that are internalized is reasonable because, despite the lower credit, the resulting pricing would remain favorable compared to the fees charged for orders that are internalized by another market,¹⁸ and will therefore continue to incentivize market participants to submit Retail Orders to the Exchange. That said, the Exchange notes that market participants are free to shift their order flow to competing venues if they believe other markets offer more

¹⁷ See Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005).

¹⁸ See *infra*, note 19.

favorable fees and credits. Additionally, the proposed rule change would apply only to a subset of Retail Orders directed to the Exchange by ETP Holders, *i.e.*, those that share the same MPID and that add and remove retail liquidity. All other Retail Orders would continue to be subject to current fees and credits, including those orders that qualify for the Retail Order pricing tier.

The Exchange believes the proposed rule change is also reasonable as it is designed to incentivize ETP Holders to send orders to the Exchange that may otherwise be internalized off-exchange, which further contributes to a deeper, more liquid market and provide even more execution opportunities for market participants. This overall increase in activity deepens the Exchange's liquidity pool, offers additional cost savings, supports the quality of price discovery, promotes market transparency and improves market quality, for all investors.

On the backdrop of the competitive environment in which the Exchange currently operates, the proposed rule change is a reasonable attempt to increase liquidity on the Exchange and improve the Exchange's market share relative to its competitors.

The Proposed Fee Change Is an Equitable Allocation of Fees and Credits

The Exchange believes its proposal is an equitable allocation of its fees among its market participants because all ETP Holders that participate on the Exchange will be able to internalize their Retail Orders on the Exchange at no cost, *i.e.*, they would not receive any credit or pay any fee for the execution of Retail Orders that are internalized. Without having a view of ETP Holders' activity on other markets and off-exchange venues, the Exchange has no way of knowing whether this proposed rule change would result in any ETP Holder sending more of their Retail Orders to the Exchange. The Exchange cannot predict with certainty how many ETP Holders would avail themselves of this opportunity but additional Retail Orders would benefit all market participants because it would provide greater execution opportunities on the Exchange.

Further, given the competitive market for attracting Retail Order flow, the Exchange notes that with this proposed rule change, the cost for executing Retail Orders that are internalized would be lower than the fees charged by other exchanges that the Exchange competes with for order flow. For example, EDGX Equities ("EDGX") charges its members an internalization fee of \$0.00050 per share for orders that add liquidity and

a fee of \$0.00050 per share for orders that remove liquidity if such members do not have an adding ADV of 10,000,000 shares.¹⁹

The Exchange further believes that the proposed change is equitable because it is reasonably related to the value to the Exchange's market quality associated with higher volume in Retail Orders. The Exchange believes that recalibrating the fees and credits charged for execution of Retail Orders that are internalized will continue to attract order flow and liquidity to the Exchange, thereby contributing to price discovery on the Exchange and benefiting investors generally.

The Exchange believes that the proposed rule change is equitable because maintaining or increasing the proportion of Retail Orders in exchange-listed securities that are executed on a registered national securities exchange (rather than relying on certain available off-exchange execution methods) would contribute to investors' confidence in the fairness of their transactions and would benefit all investors by deepening the Exchange's liquidity pool, supporting the quality of price discovery, promoting market transparency and improving investor protection.

The Proposed Fee Change Is Not Unfairly Discriminatory

The Exchange believes that the proposal is not unfairly discriminatory. In the prevailing competitive environment, ETP Holders are free to disfavor the Exchange's pricing if they believe that alternatives offer them better value.

The Exchange believes that the proposed change is not unfairly discriminatory because it would apply to all ETP Holders on an equal and non-discriminatory basis. The Exchange believes that the proposed rule change is not unfairly discriminatory because maintaining or increasing the proportion of Retail Orders in exchange-listed securities that are executed on a registered national securities exchange (rather than relying on certain available off-exchange execution methods) would contribute to investors' confidence in the fairness of their transactions and would benefit all investors by deepening the Exchange's liquidity pool, supporting the quality of price discovery, promoting market transparency and improving investor protection. This aspect of the proposed rule change also is consistent with the

Act because all similarly situated ETP Holders would be charged the same fee for executing Retail Orders that are internalized. The Exchange also notes that proposed rule change will not adversely impact any ETP Holder's ability to qualify for other reduced fee or enhanced rebate tiers. Lastly, the submission of Retail Orders is optional for ETP Holders in that they could choose whether to submit Retail Orders and, if they do, the extent of its activity in this regard. The Exchange believes that it is subject to significant competitive forces, as described below in the Exchange's statement regarding the burden on competition.

For the foregoing reasons, the Exchange believes that the proposal is consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,²⁰ the Exchange believes that the proposed rule change would not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Instead, as discussed above, the Exchange believes that the proposed change would encourage the submission of additional liquidity to a public exchange, thereby promoting market depth, price discovery and transparency and enhancing order execution opportunities for ETP Holders. As a result, the Exchange believes that the proposed change furthers the Commission's goal in adopting Regulation NMS of fostering competition among orders, which promotes "more efficient pricing of individual stocks for all types of orders, large and small."²¹

Intramarket Competition. The Exchange believes the proposed rule change does not impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. Particularly, the proposed change applies to all ETP Holders equally in that all ETP Holders would be able to internalize Retail Orders on the Exchange at no cost, *i.e.*, they would receive no credit or pay any fee. Additionally, the proposed change is designed to attract additional order flow to the Exchange. The Exchange believes that the proposed rule change would continue to incentivize market participants to submit Retail Orders that are internalized and executed on a public and transparent market rather

²⁰ 15 U.S.C. 78f(b)(8).

¹⁹ See EDGX Price List, Fee Codes EA and ER, at https://www.cboe.com/us/equities/membership/fee_schedule/edgx/.

²¹ Securities Exchange Act Release No. 51808, 70 FR 37495, 37498-99 (June 29, 2005) (S7-10-04) (Final Rule).

than on an off-exchange venue because ETP Holders would be able to transact such orders at no cost. Greater liquidity benefits all market participants on the Exchange by providing more trading opportunities and encourages ETP Holders to send orders, thereby contributing to robust levels of liquidity, which benefits all market participants. The proposed pricing for internalizing Retail Orders would be available to all similarly-situated market participants, and, as such, the proposed change would not impose a disparate burden on competition among market participants on the Exchange.

Intermarket Competition. The Exchange believes the proposed rule change does not impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange operates in a highly competitive market in which market participants can readily choose to send their orders to other exchanges and off-exchange venues if they deem fee levels at those other venues to be more favorable. As noted above, the Exchange's market share of intraday trading (*i.e.*, excluding auctions) is currently less than 10%. In such an environment, the Exchange must continually adjust its fees and rebates to remain competitive with other exchanges and with off-exchange venues. Because competitors are free to modify their own fees and credits in response, and because market participants may readily adjust their order routing practices, the Exchange does not believe this proposed fee change would impose any burden on intermarket competition.

The Exchange believes that the proposed change could promote competition between the Exchange and other execution venues, including those that currently offer similar order types and comparable transaction pricing, by encouraging additional orders to be sent to the Exchange for execution.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.²²

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: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) 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-NYSEArca-2021-52 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-NYSEArca-2021-52. 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-NYSEArca-2021-52 and should be submitted on or before July 27, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²³

J. Matthew DeLesDernier,
Assistant Secretary.

[FR Doc. 2021-14254 Filed 7-2-21; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting; Cancellation

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 86 FR 34080, June 28, 2021.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: Thursday, July 1, 2021 at 2 p.m.

CHANGES IN THE MEETING: The Closed Meeting scheduled for Thursday, July 1, 2021 at 2 p.m., has been cancelled.

CONTACT PERSON FOR MORE INFORMATION: For further information; please contact Vanessa A. Countryman from the Office of the Secretary at (202) 551-5400.

Dated: July 1, 2021.

Vanessa A. Countryman,
Secretary.

[FR Doc. 2021-14426 Filed 7-1-21; 11:15 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 34320; File No. 812-15214]

BNY Mellon Alcentra Opportunistic Global Credit Income Fund and BNY Mellon Investment Adviser, Inc.

June 29, 2021.

AGENCY: Securities and Exchange Commission (the "Commission").

ACTION: Notice.

Notice of an application for an order pursuant to section 6(c) of the Investment Company Act of 1940 (the "1940 Act") for an exemption from sections 18(a)(2), 18(c), and 18(i) of the 1940 Act, pursuant to section 6(c) and 23(c) of the 1940 Act for certain exemptions from rule 23c-3 under the 1940 Act, and for an order pursuant to

²³ 17 CFR 200.30-3(a)(12).

²² 15 U.S.C. 78s(b)(3)(A)(ii).

section 17(d) of the 1940 Act and rule 17d-1 thereunder.

SUMMARY OF APPLICATION: Applicants request an order to permit certain registered closed-end management investment companies to issue multiple classes of common shares of beneficial interest (“Shares”) with varying sales loads and asset-based service and/or distribution fees and to impose early withdrawal charges.

APPLICANTS: BNY Mellon Alcentra Opportunistic Global Credit Income Fund (the “Initial Fund”) and BNY Mellon Investment Adviser, Inc. (“Adviser”).

FILING DATES: The application was filed on April 1, 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 *Secretaries-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 23, 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 1940 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 *Secretaries-Office@sec.gov*.

ADDRESSES: The Commission: *Secretaries-Office@sec.gov*. Applicants: Jeff Prunofsky, Esq., *jeff.prunofsky@bnymellon.com*.

FOR FURTHER INFORMATION CONTACT: Bruce R. MacNeil, Senior Counsel, at (202) 551-6817, or Kaitlin C. Bottock, Branch Chief, at (202) 551-6825 (Division of Investment Management, Chief Counsel’s Office).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained 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 Maryland statutory trust that is registered under the 1940 Act as a closed-end management investment

company and classified as a non-diversified investment company. The Initial Fund’s investment objective is to seek to provide total return consisting of high current income and capital appreciation.

2. The Adviser, a New York corporation, is registered as an investment adviser under the Investment Advisers Act of 1940. The Adviser serves as investment adviser to the Initial Fund.

3. The applicants seek an order to permit the Initial Fund to offer investors multiple classes of Shares 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 Adviser, its successors,¹ or any entity controlling, controlled by, or under common control with the Adviser, 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 1940 Act or rule 13e-4 under the Securities Exchange Act of 1934 (the “1934 Act”) (each such closed-end management investment company a “Future Fund” and, together with the Initial Fund, each a “Fund,” and collectively the “Funds”).²

5. The Initial Fund’s initial Registration Statement filed on Form N-2 seeks to register an initial class of Shares (the “Initial Class Shares”). Shares will be offered on a continuous basis pursuant to a registration statement under the Securities Act of 1933 at their net asset value per share. The Initial Fund, as a closed-end management investment company, does not intend to continuously redeem Shares as does an open-end management investment company. Shares of the Initial Fund will not be listed on any securities exchange and will not trade on an over-the-counter system. Applicants do not expect that any secondary market will ever develop for the Shares.

6. If the requested relief is granted, the Initial Fund intends to offer multiple

¹ A successor in interest is limited to an entity that results from a reorganization into another jurisdiction or a change in the type of business organization.

² The Initial Fund and any Future Fund relying on the requested relief will do so in compliance 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.

classes of Shares, such as the Initial Class Shares and a new Share class (the “New 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.

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 described of the Initial Class and New Class Shares, including without limitation, in the following respects: (1) The amount of fees permitted by a distribution and service plan as to such class; (2) voting rights with respect to a distribution and service 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 and service 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 1940 Act.

8. Applicants state that, in order to provide some liquidity to shareholders, the Initial Fund is structured as an “interval fund” and conducts quarterly offers to repurchase between five percent and twenty-five percent of its outstanding Shares at net asset value, pursuant to rule 23c-3 under the 1940 Act, unless such offer is suspended or postponed in accordance with regulatory requirements. Any other Fund that intends to rely on the requested relief will provide periodic liquidity to shareholders in accordance with either rule 23c-3 under the 1940 Act or rule 13e-4 under the 1934 Act.

9. Applicants represent that any asset-based distribution and servicing fee of a Fund will comply with the provisions of Rule 2341 of the Rules of the Financial Industry Regulatory Authority (“FINRA Rule 2341”).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 if it were an open-end management investment company, each Fund will disclose fund

³ Any references to FINRA Rule 2341 include any successor or replacement rule that may be adopted by FINRA.

expenses borne by shareholders during the reporting period in shareholder reports⁴ and describe in its prospectus any arrangements that result in breakpoints in, or elimination of, sales loads.⁵ In addition, applicants will comply with applicable enhanced fee disclosure requirements for fund of funds, including registered funds of hedge and private equity funds.⁶

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 apply 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.

11. All expenses incurred by a Fund will be allocated 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 service 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 1940 Act as if it were an open-end management 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 management investment company.

⁴ Shareholder Reports and Quarterly Portfolio Disclosure of Registered Management Investment Companies, Investment Company Act Release No. 26372 (Feb. 27, 2004) (adopting release).

⁵ Disclosure of Breakpoint Discounts by Mutual Funds, Investment Company Act Release No. 26464 (June 7, 2004) (adopting release).

⁶ Fund of Funds Investments, Investment Company Act Release Nos. 26198 (Oct. 1, 2003) (proposing release) and 27399 (June 20, 2006) (adopting release). See also rules 12d1-1, *et seq.* under the 1940 Act.

13. Applicants seek relief to the extent necessary for each Fund to impose an early withdrawal charge on shares submitted for repurchase that have been held less than a specified period. Applicants state that each Fund may grant waivers of the early withdrawal charges on repurchases for certain categories of shareholders or transactions 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 1940 Act as if the Fund were an open-end management investment company.

14. Applicants state that a Fund operating as an interval fund pursuant to rule 23c-3 under the 1940 Act may offer its shareholders an exchange feature under which the shareholders of the Fund may, in connection with the Fund's periodic repurchase offers, exchange their Shares of the Fund for shares of the same class of (i) registered open-end management investment companies or (ii) other registered closed-end investment companies that comply with rule 23c-3 under the 1940 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 1940 Act. Any exchange option will comply with rule 11a-3 under the 1940 Act, as if the Fund were an open-end management investment company subject to rule 11a-3. In complying with rule 11a-3 under the 1940 Act, each Fund will treat an early withdrawal charge as if it were a contingent deferred sales load (a "CDSL").⁷

15. Applicants state that the Initial Fund does not currently, nor does it currently intend to, impose a repurchase fee, but may do so in the future. 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 two percent 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

⁷ A CDSL, assessed by an open-end fund pursuant to Rule 6c-10 under the 1940 Act, is a distribution-related charge payable to the distributor. Pursuant to the requested order, the early withdrawal charge will likewise be a distribution-related charge payable to the distributor. (which is payable to a Fund)

one year.⁸ Repurchase fees, if charged, will equally apply to all classes of Shares of the Fund, consistent with section 18 of the 1940 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 1940 Act as if the repurchase fee were a CDSL and as if the Fund were a registered open-end management investment company. In addition, 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 management 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 section 18(a)(2)'s requirements with respect to a class of Shares that may be a senior security.

2. Section 18(c) of the 1940 Act provides, in relevant part, that a registered closed-end management investment company may not issue or sell any senior security which is a stock if immediately thereafter the company will have outstanding more than one class of senior security that is a stock. 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 1940 Act generally provides that each share of stock issued by a registered management

⁸ 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.

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 1940 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 1940 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 1940 Act, or from any rule or regulation under the 1940 Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the 1940 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 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 management investment company multiple class structure does not raise the concerns underlying section 18 of the 1940 Act to any greater degree than open-end management investment companies' multiple class structures that are permitted by rule 18f-3 under the 1940 Act. Applicants state that each Fund will comply with the provisions of rule 18f-3 as if it were an open-end management investment company.

Early Withdrawal Charges

1. Section 23(c) of the 1940 Act provides, in relevant part, that no registered closed-end management 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 1940 Act permits 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 1940 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) of the 1940 Act provides that the Commission may issue an order that would permit a closed-end management 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 *may seek* intend to impose are functionally similar to CDSLs imposed by open-end management investment companies under rule 6c-10 under the 1940 Act. Rule 6c-10 permits open-end management investment companies to impose CDSLs, subject to certain conditions. Applicants note that rule 6c-10 is grounded in policy considerations supporting the employment of CDSLs where there are adequate safeguards for the investor. Applicants state that these same policy considerations support imposition of early withdrawal charges in the interval fund context, and are a solid basis for the Commission to grant exemptive relief to permit interval funds to impose early withdrawal charges. In addition, applicants state that early withdrawal charges may be necessary for the Fund's Distributor to recover distribution costs from shareholders who exit their investments early. Applicants represent that any early withdrawal charge imposed by a Fund will comply with rule 6c-10 under the 1940 Act as if the rule were applicable to closed-end management investment companies. Each Fund will disclose early withdrawal charges in accordance with the requirements of Form N-1A concerning CDSLs.

Asset-Based Service and/or Distribution Fees

1. Section 17(d) of the 1940 Act and rule 17d-1 thereunder 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 other 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 1940 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 1940 Act provides an exemption from section 17(d) and rule 17d-1 to permit open-end management investment companies to enter into distribution arrangements pursuant to rule 12b-1 under the 1940 Act. Applicants request an order pursuant to section 17(d) of the 1940 Act and rule 17d-1 thereunder to the extent necessary to permit each Fund to impose asset-based service and/or distribution fees (in a manner similar to rule 12b-1 fees for an open-end management investment company). Applicants have agreed to comply with rules 12b-1 and 17d-3 as if those rules apply to closed-end management 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 1940 Act. Applicants further submit that the relief requested pursuant to section 23(c)(3) will be consistent with the protection of investors and will insure 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 1940 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 1940 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 applies 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. 2021-14261 Filed 7-2-21; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270-450, OMB Control No. 3235-0505]

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549-2736

Extension:

Rule 303 of Regulation ATS

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 ("PRA") (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission ("Commission") is soliciting comments on the existing collection of information provided for in Rule 303 of Regulation ATS (17 CFR 242.303) under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*) ("Exchange Act"). The Commission plans to submit this existing collection of information to the Office of Management and Budget ("OMB") for extension and approval.

Regulation ATS sets forth a regulatory regime for "alternative trading systems" ("ATSs"), which are entities that carry out exchange functions but are not required to register as national securities exchanges under the Act. In lieu of exchange registration, an ATS can instead opt to register with the Commission as a broker-dealer and, as a condition to not having to register as an exchange, must instead comply with Regulation ATS. Rule 303 of Regulation ATS (17 CFR 242.303) describes the

record preservation requirements for ATSs. Rule 303 also describes how such records must be maintained, what entities may perform this function, and how long records must be preserved.

Under Rule 303, ATSs are required to preserve all records made pursuant to Rule 302, which includes information relating to subscribers, trading summaries, and time-sequenced order information. Rule 303 also requires ATSs to preserve any notices provided to subscribers, including, but not limited to, notices regarding the ATSs operations and subscriber access. For an ATS subject to the fair access requirements described in Rule 301(b)(5)(ii) of Regulation ATS, Rule 303 further requires the ATS to preserve at least one copy of its standards for access to trading, all documents relevant to the ATS's decision to grant, deny, or limit access to any person, and all other documents made or received by the ATS in the course of complying with Rule 301(b)(5) of Regulation ATS. For an ATS subject to the capacity, integrity, and security requirements for automated systems under Rule 301(b)(6) of Regulation ATS, Rule 303 requires an ATS to preserve all documents made or received by the ATS related to its compliance, including all correspondence, memoranda, papers, books, notices, accounts, reports, test scripts, test results, and other similar records. Rule 303(a)(1)(v) of Regulation ATS requires every ATS to preserve the written safeguards and written procedures mandated under Rule 301(b)(10). As provided in Rule 303(a)(1), ATSs are required to keep all of these records, as applicable, for a period of at least three years, the first two in an easily accessible place. In addition, Rule 303 requires ATSs to preserve records of partnership articles, articles of incorporation or charter, minute books, stock certificate books, copies of reports filed pursuant to Rule 301(b)(2) and Rule 304, and records made pursuant to Rule 301(b)(5) for the life of the ATS. ATSs that trade both NMS Stock and securities other than NMS Stock are required to file, and also preserve under Rule 303, both Form ATS-N and related amendments and Form ATS-N and related amendments.

The information contained in the records required to be preserved by Rule 303 will be used by examiners and other representatives of the Commission, state securities regulatory authorities, and the self-regulatory organizations to ensure that ATSs are in compliance with Regulation ATS as well as other applicable rules and regulations. Without the data required by the Rule, regulators would be limited in their

ability to comply with their statutory obligations, provide for the protection of investors, and promote the maintenance of fair and orderly markets. Respondents consist of ATSs that choose to register as broker-dealers and comply with the requirements of Regulation ATS.

There are currently 94 respondents. The Commission believes that the average ongoing hourly burden for a respondent to comply with the baseline record preservation requirements under Rule 303 is approximately 15 hours per year. We thus estimate that the average aggregate ongoing burden to comply with the baseline Rule 303 record preservation requirements is approximately 1,410 hours per year (94 ATSs × 15 hours = 1,410 hours). In addition, there are currently two ATSs that transact in both NMS stock and non-NMS stock on their ATSs. These two ATSs have a slightly greater burden because they have to keep both Form ATS and Form ATS-N and related documents (*e.g.*, amendments). For these two ATSs, we estimate that the ongoing burden above the current baseline estimate for preserving records will be approximately 1 hour annually per ATS for a total annual burden above the current baseline burden estimate of 2 hours for all respondents. Thus, the estimated average annual aggregate burden for alternative trading systems to comply with Rule 303 is approximately 1,412 hours (1,410 hours + 2 hours).

Written comments are invited on: (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 estimates of the burden of the proposed collection of information; (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 respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

Please direct your written comments to: David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o Cynthia Roscoe, 100 F Street NE, Washington, DC 20549, or send an email to: PRA_Mailbox@sec.gov.

Dated: June 29, 2021.

J. Matthew DeLesDernier,
Assistant Secretary.

[FR Doc. 2021-14263 Filed 7-2-21; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meetings

TIME AND DATE: 2 p.m. on Thursday, July 8, 2021.

PLACE: The meeting will be held via remote means and/or at the Commission’s headquarters, 100 F Street NE, Washington, DC 20549.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters also may be present.

In the event that the time, date, or location of this meeting changes, an announcement of the change, along with the new time, date, and/or place of the meeting will be posted on the Commission’s website at <https://www.sec.gov>.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (6), (7), (8), 9(B) and (10) and 17 CFR 200.402(a)(3), (a)(5), (a)(6), (a)(7), (a)(8), (a)(9)(ii) and (a)(10), permit consideration of the scheduled matters at the closed meeting.

The subject matter of the closed meeting will consist of the following topics:

- Institution and settlement of injunctive actions;
- Institution and settlement of administrative proceedings;
- Resolution of litigation claims; and
- Other matters relating to examinations and enforcement proceedings.

At times, changes in Commission priorities require alterations in the scheduling of meeting agenda items that may consist of adjudicatory, examination, litigation, or regulatory matters.

CONTACT PERSON FOR MORE INFORMATION: For further information; please contact Vanessa A. Countryman from the Office of the Secretary at (202) 551-5400.

Dated: July 1, 2021.

Vanessa A. Countryman,
Secretary.

[FR Doc. 2021-14427 Filed 7-1-21; 11:15 am]

BILLING CODE 8011-01-P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #17005 and #17006; FLORIDA Disaster Number FL-00167]

Administrative Declaration of a Disaster for the State of Florida

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Administrative declaration of a disaster for the State of FLORIDA dated 06/29/2021.

Incident: Surfside Building Collapse.
Incident Period: 06/24/2021.

DATES: Issued on 06/29/2021.

Physical Loan Application Deadline Date: 08/30/2021.

Economic Injury (EIDL) Loan Application Deadline Date: 03/29/2022.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205-6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the Administrator’s disaster declaration, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Miami-Dade.

Contiguous Counties:

Florida: Broward, Collier, Monroe.

The Interest Rates are:

	Percent
<i>For Physical Damage:</i>	
Homeowners with Credit Available Elsewhere	3.250
Homeowners without Credit Available Elsewhere	1.625
Businesses with Credit Available Elsewhere	5.760
Businesses without Credit Available Elsewhere	2.880
Non-Profit Organizations with Credit Available Elsewhere ...	2.000
Non-Profit Organizations without Credit Available Elsewhere	2.000
<i>For Economic Injury:</i>	
Businesses & Small Agricultural Cooperatives without Credit Available Elsewhere	2.880
Non-Profit Organizations without Credit Available Elsewhere	2.000

The number assigned to this disaster for physical damage is 17005 U and for economic injury is 17006 O.

The State which received an EIDL Declaration # is Florida.

(Catalog of Federal Domestic Assistance Number 59008)

Isabella Guzman,
Administrator.

[FR Doc. 2021-14305 Filed 7-2-21; 8:45 am]

BILLING CODE 8026-03-P

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under OMB Review

AGENCY: Small Business Administration.

ACTION: 30-Day notice.

SUMMARY: The Small Business Administration (SBA) is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act and OMB procedures, SBA is publishing this notice to allow all interested member of the public an additional 30 days to provide comments on the proposed collection of information.

DATES: Submit comments on or before August 5, 2021.

ADDRESSES: Written comments and recommendations for this information collection request should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection request by selecting “Small Business Administration”; “Currently Under Review,” then select the “Only Show ICR for Public Comment” checkbox. This information collection can be identified by title and/or OMB Control Number.

FOR FURTHER INFORMATION CONTACT: You may obtain a copy of the information collection and supporting documents from the Agency Clearance Office at Curtis.Rich@sba.gov; (202) 205-7030, or from www.reginfo.gov/public/do/PRAMain.

SUPPLEMENTARY INFORMATION: As authorized by the Coronavirus Preparedness and Response Supplemental Appropriations Act, 2020, the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), the Paycheck Protection Program and Health Care Enhancement Act, and the new Economic Aid to Hard-Hit Small Businesses, Nonprofits, and Venues Act, the Small Business Administration (SBA) has been providing COVID-19

Economic Injury Disaster Loans to provide working capital for small businesses, private nonprofits, and small agricultural enterprises who suffered substantial economic injury as a result of the Coronavirus pandemic and Paycheck Protection Program (PPP) loans to help small businesses retain their employees during the economic downturn caused by the pandemic as well as to help businesses cover a portion of their standard operating expenses during the pandemic. SBA has received more than 18 million loan applications and more than 10 million PPP loan applications, and a small percentage of those applications may be a result of identity theft. In an effort to ensure SBA is taking the appropriate action for individuals who have indicated they have been the victim of identity theft, the individual will need to provide an affidavit to SBA indicating no involvement in the filing of the loan application, and that they did not receive or have knowledge of who received the loan funds. The information will be collected from those individuals (or their representative) who, without their knowledge or authorization, had an application submitted to SBA utilizing their personal information. SBA will review the information contained in the affidavit to determine whether there was identity theft involved, and if so, SBA will take the necessary steps to stop all billing statements, release any UCC Security filings, and to ensure that loan information will not be publicly reported in the name of the identity theft victim. In addition, this affidavit will be provided to the Office of Inspector General and other enforcement agencies in any legal action going forward. The SBA requested and received emergency approval under 5 CFR 1320.13 for this information collection.

Solicitation of Public Comments

Comments may be submitted on (a) whether the collection of information is necessary for the agency to properly perform its functions; (b) whether the burden estimates are accurate; (c) whether there are ways to minimize the burden, including through the use of automated techniques or other forms of information technology; and (d) whether there are ways to enhance the quality, utility, and clarity of the information.

OMB Control Number: 3245-0418.

Title: Declaration of Identify Theft.

SBA Form Number: SBA Form 3513.

Description of Respondents: SBA Loan Applicants.

Estimated Number of Respondents: 60,000.

Estimated Annual Responses: 60,000.
Estimated Annual Hour Burden: 15,000.

Curtis Rich,

Management Analyst.

[FR Doc. 2021-14307 Filed 7-2-21; 8:45 am]

BILLING CODE 8026-03-P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Modification of U.S. Tariff-Rate Quotas and the Harmonized Tariff Schedule of the United States

AGENCY: Office of the United States Trade Representative.

ACTION: Notice.

SUMMARY: The U.S. Trade Representative is modifying the Harmonized Tariff Schedule of the United States (HTSUS) to divide certain U.S. tariff-rate quotas (TRQs) currently allocated to the European Union (EU), between the EU and the United Kingdom (UK).

DATES: The changes made by this notice are applicable as of January 1, 2022.

FOR FURTHER INFORMATION CONTACT: Roger A. Wentzel, Office of Agricultural Affairs, at 202-395-5124, or *Roger_Wentzel@ustr.eop.gov*.

SUPPLEMENTARY INFORMATION: On October 17, 2019, the UK and EU agreed to the withdrawal of the UK from the EU and the European Atomic Energy Community (Withdrawal Agreement). As part of the Withdrawal Agreement, the UK and EU agreed to a transition period, which ended on December 31, 2020.

For 2021, the U.S. Trade Representative determined that the UK would continue to be eligible to export under U.S. TRQs allocated to the EU under Additional U.S. Notes 6, 16 to 23, and 25 to Chapter 4 and Additional U.S. Note 5(a) to Chapter 24 of the Harmonized Tariff Schedule of the United States (HTSUS). *See* Information on 2021 Tariff-Rate Quotas for Exports From the United Kingdom (86 FR 8676).

Beginning in 2022, the U.S. Trade Representative has decided to divide the TRQs allocated to the EU under Additional U.S. Notes 6 and 16 to 18 to Chapter 4 and Additional U.S. Note 5(a) to Chapter 24 of the HTSUS between the EU and the UK according to the average percentage of in-quota imports for the 2013-2015 period and has determined that the UK will have access to a specific in-quota quantity under these notes. The UK otherwise will be eligible to export under U.S. TRQs for Additional U.S. Notes 19 to 23 and 25

to Chapter 4 under the quantities allocated to ‘other countries or areas.’

Further, to recognize the departure of the UK from the EU, as well as the 2013 accession of Croatia to the EU, the U.S. Trade Representative has modified the definition of the ‘EU 27’ as set out in Note 2 to Chapter 4 to exclude the UK and to include Croatia. The U.S. Trade Representative also has modified the countries listed in the parenthetical definition as part of the European Community in Note 5(a) of Chapter 24 to exclude the UK and listed the UK as a separate country in this note.

Section 404(d)(3) of the Uruguay Round Agreements Act (URAA) (19 U.S.C. 3601(d)(3)) authorizes the President to allocate the in-quota quantity of a TRQ for any agricultural product among supplying countries or customs areas and to modify any allocation as determined appropriate by the President. Section 604 of the Trade Act of 1974, as amended (Trade Act) (19 U.S.C. 2483), authorizes the President to embody in the HTSUS the substance of the relevant provisions of that Act, and of other acts affecting import treatment, and actions thereunder, including the removal, modification, continuance, or imposition of any rate of duty or other import restriction.

In paragraph (3) of Proclamation 6763 of December 23, 1994, the President delegated this authority under section 404(d)(3) of the URAA to the U.S. Trade Representative. In paragraph (2) of Proclamation 6914 of August 26, 1996, the President determined that it is appropriate to authorize the U.S. Trade Representative to exercise the authority under section 604 of the Trade Act to embody in the HTSUS the substance of any action taken by the USTR under section 404(d)(3) of the URAA.

Modification of the HTSUS

Effective with respect to articles entered for consumption, or withdrawn from warehouse for consumption, on or after January 1, 2022:

1. Additional U.S. Note 2 to Chapter 4 of the HTSUS is modified by: (a) Inserting ‘‘Croatia,’’ into the list of countries in alphabetical order; and (b) deleting ‘‘the Slovak Republic, Sweden or the United Kingdom’’ and inserting ‘‘the Slovak Republic or Sweden’’ in lieu thereof.

2. Additional U.S. Note 16 to Chapter 4 of the HTSUS is modified by: (a) Inserting ‘‘United Kingdom’’ into the list of countries in alphabetical order; (b) inserting a quota quantity of ‘‘2,213,374’’ in the Quantity (kg) column for the United Kingdom; (c) deleting the quantity ‘‘27,846,224’’ in the Quantity (kg) column for the EU27; and (d)

inserting “25,632,850” in the Quantity (kg) column for the EU27 in lieu thereof.

3. Additional U.S. Note 17 to Chapter 4 of the HTSUS is modified by: (a) Inserting “United Kingdom” into the list of countries in alphabetical order; (b) inserting a quota quantity of “23,617” in the Quantity (kg) column for the United Kingdom; (c) deleting the quantity “2,829,000” in the Quantity (kg) column for the EU27; and (d) inserting “2,805,383” in the Quantity (kg) column for the EU27 in lieu thereof.

4. Additional U.S. Note 18 to Chapter 4 of the HTSUS is modified by: (a) Inserting “United Kingdom” into the list of countries in alphabetical order; (b) inserting a quota quantity of “895,948” in the Quantity (kg) column for the United Kingdom; (c) deleting the quantity “1,313,000” in the Quantity (kg) column for the EU27; and (d) inserting “417,052” in the Quantity (kg) column for the EU27 in lieu thereof.

5. Additional U.S. Note 5(a) to Chapter 24 of the HTSUS is modified by: (a) Deleting “Spain, Sweden, and the United Kingdom” and inserting “Spain, and Sweden” in lieu thereof; (b) inserting “United Kingdom” in the list of countries in alphabetical order; (c) inserting a quota quantity of “44” in the Quantity (metric tons) column for the United Kingdom; (d) deleting the quantity “10,000” in the Quantity (metric tons) column for the EU27; and (e) inserting the quantity “9,956” in the Quantity (metric tons) column for the EU27 in lieu thereof.

Modification of the TRQ Allocation for Butter and Fresh or Sour Cream Containing Over 45 Percent by Weight of Butterfat

The U.S. Department of Agriculture annually publishes in the **Federal Register** the country allocations for Additional U.S. Note 6 to Chapter 4 in Appendices 1 and 2, pursuant to the Dairy Tariff-Rate Quota Import Licensing Regulation, 7 CFR part 6. With respect to the published in-quota quantity of 96,161 kilograms allocated to the EU 27 for the TRQ in Additional U.S. Note 6 to Chapter 4 of the HTSUS, the U.S. Trade Representative has determined that, effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after January 1, 2022, the UK shall have access to a quantity of not less than 14,062 kilograms and the EU 27 shall

have access to a quantity of not less than 82,099 kilograms.

Nora Todd,

Chief of Staff, Office of the United States Trade Representative.

[FR Doc. 2021-14344 Filed 7-2-21; 8:45 am]

BILLING CODE 3290-F1-P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD-2021-0124]

Request for Comments of a Previously Approved Information Collection: Application and Reporting Elements for Participation in the Maritime Security Program

AGENCY: Maritime Administration, DOT.

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, this notice announces that the Information Collection Request (ICR) abstracted below is being forwarded to the Office of Management and Budget (OMB) for review and comments. A **Federal Register** Notice with a 60-day comment period soliciting comments on the following information collection was published on April 7, 2021.

DATES: Comments must be submitted on or before August 5, 2021.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

FOR FURTHER INFORMATION CONTACT: Rhonda Davis, 202-366-6379, Office of Sealift Support, Maritime Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Room W23-343, Washington, DC 20590.

SUPPLEMENTARY INFORMATION:

Title: Application and Reporting Elements for Participation in the Maritime Security Program.

OMB Control Number: 2133-0525.

Type of Request: Renewal of a Previously Approved Information Collection.

Background: The Maritime Security Act of 2003 extended under Section 3508 of the National Defense Authorization Act for Fiscal Year 2013, Public Law 112-239 provides for the

enrollment of qualified vessels in the Maritime Security Program Fleet. Applications and amendments are used to select vessels for the fleet. Periodic reporting is used to monitor adherence of contractors to program parameters.

Respondents: Vessel Operators.

Affected Public: Business or other for profit.

Total Estimated Number of Responses: 212.

Frequency of Collection: Monthly/Annually.

Estimated Time per Respondent: 1–6 hours.

Total Estimated Number of Annual Burden Hours: 308.

Public Comments Invited: Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department’s estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

(Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.93)

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By Order of the Acting Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2021-14321 Filed 7-2-21; 8:45 am]

BILLING CODE 4910-81-P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD-2021-0121]

Request for Comments of a Previously Approved Information Collection: Center of Excellence for Domestic Maritime Workforce Training and Education Annual Applications for Designation

AGENCY: Maritime Administration, DOT.

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, this notice announces that the Information Collection Request (ICR) abstracted below is being forwarded to the Office of Management and Budget (OMB) for review and comments. A **Federal**

Register Notice with a 60-day comment period soliciting comments on the following information collection was published on April 7, 2021.

DATES: Comments must be submitted on or before August 5, 2021.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

FOR FURTHER INFORMATION CONTACT:

Gerard Wall, Maritime Administration, at gerard.wall@dot.gov or at 202–366–7273. You may send mail to Gerard Wall, Centers of Excellence Program Manager, Room W23–470, Maritime Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590.

SUPPLEMENTARY INFORMATION:

Title: Center of Excellence for Domestic Maritime Workforce Training and Education Annual Applications for Designation.

OMB Control Number: 2133–0549.

Type of Request: Renewal of a Previously Approved Information Collection.

Background: To implement Section 3507 of the National Defense Authorization Act of 2018, Public Law 115–91 (the “Act”), codified at 46 U.S.C. 51705 (previously designated as 46 U.S.C. 54102), MARAD developed a procedure to recommend to the Secretary the designation of eligible institutions as Centers of Excellence for Domestic Maritime Workforce Training and Education (CoE). Pursuant to the Act, the Secretary of Transportation may designate certain eligible and qualified training entities as CoEs and may subsequently execute Cooperative Agreements with CoE designees. Authority to administer the CoE program is delegated to MARAD in 49 CFR 1.93(a). The previously approved policy for collecting information is required to administer the Center of Excellence program which supports the DOT strategic goal of Economic Competitiveness, and the MARAD strategic goal to Maintain and Modernize the Maritime workforce.

Respondents: “Community Colleges or Technical Colleges” and “Maritime Training Centers” in certain eligible

locations are eligible to apply for CoE designation. Additionally, only “Maritime Training Centers” with a maritime training program in operation on 12 December 2017 are eligible under the statute.

Affected Public: Community Colleges, Technical Colleges and Maritime Training Centers.

Total Estimated Number of Responses: 100.

Frequency of Collection: Annually.

Estimated time per Respondent: 48 hrs.

Total Estimated Number of Annual Burden Hours: 4,800.

Public Comments Invited: Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department’s estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

(Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.93)

By Order of the Acting Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2021–14324 Filed 7–2–21; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2021–0123]

Request for Comments of a Previously Approved Information Collection: Application for Construction Reserve Fund and Annual Statements (CRF)

AGENCY: Maritime Administration, DOT.

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, this notice announces that the Information Collection Request (ICR) abstracted below is being forwarded to the Office of Management and Budget (OMB) for review and comments. A **Federal**

Register Notice with a 60-day comment period soliciting comments on the following information collection was published on April 7, 2021.

DATES: Comments must be submitted on or before August 5, 2021.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

FOR FURTHER INFORMATION CONTACT:

Daniel Ladd, 202–366–1859, Office of Financial Approvals, Maritime Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC, 20590.

SUPPLEMENTARY INFORMATION:

Title: Application for Construction Reserve Fund (CRF) and Annual Statements.

OMB Control Number: 2133–0032.

Type of Request: Renewal of a previously approved collection.

Background: The Construction Reserve Fund (CRF), authorized by 46 U.S.C. chapter 533, is a financial assistance program which provides tax deferral benefits to U.S.-flag operators. Eligible parties can defer the gain attributable to the sale or loss of a vessel, provided the proceeds are used to expand or modernize the U.S. merchant fleet. The primary purpose of the CRF is to promote the construction, reconstruction, reconditioning, or acquisition of merchant vessels which are necessary for national defense and to the development of U.S. commerce.

Respondents: Citizens who own or operate vessels in the U.S. foreign or domestic commerce who desire tax benefits under the CRF program must respond.

Affected Public: Owners or operators of vessels in the domestic or foreign commerce.

Estimated Number of Respondents: 17.

Total Estimated Number of Responses: 17.

Frequency of Response: Annually.

Estimated time per Respondent: 9 Hours.

Total Estimated Number of Annual Burden Hours: 153.

Public Comments Invited: Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility and

clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

(Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.93)

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By Order of the Acting Maritime Administrator.

T. Mitchell Hudson, Jr.

Secretary, Maritime Administration.

[FR Doc. 2021-14323 Filed 7-2-21; 8:45 am]

BILLING CODE 4910-81-P



FEDERAL REGISTER

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Part II

Department of Homeland Security

U.S. Customs and Border Protection

Department of the Treasury

19 CFR Parts 10, 102, 132, et al.

Agreement Between the United States of America, the United Mexican States, and Canada (USMCA) Implementing Regulations Related to the Marking Rules, Tariff-Rate Quotas, and Other USMCA Provisions; Interim Final Rule

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

DEPARTMENT OF THE TREASURY

19 CFR Parts 10, 102, 132, 134, 163, 182 and 190

[USCBP–2021–0026]

[CBP Dec. 21–10]

RIN 1515–AE56

Agreement Between the United States of America, the United Mexican States, and Canada (USMCA) Implementing Regulations Related to the Marking Rules, Tariff-Rate Quotas, and Other USMCA Provisions

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security; Department of the Treasury.

ACTION: Interim final rule; request for comments.

SUMMARY: This interim final rule amends the U.S. Customs and Border Protection (CBP) regulations to include implementing regulations for the preferential tariff treatment and related customs provisions of the Agreement Between the United States of America, the United Mexican States, and Canada (USMCA). The USMCA applies to goods from Canada and Mexico entered for consumption, or withdrawn from warehouse for consumption, on or after July 1, 2020. This document amends the Code of Federal Regulations (CFR) to implement the provisions in Chapters 1, 2, 5, and 7 of the USMCA related to general definitions, confidentiality, import requirements, export requirements, post-importation duty refund claims, drawback and duty-deferral programs, general verifications and determinations of origin, commercial samples, goods re-entered after repair or alteration in Canada or Mexico, and penalties. This document makes amendments to apply the marking rules in determining the country of origin for marking purposes for goods imported from Canada or Mexico and for other purposes specified by the USMCA. This document also includes amendments to add the sugar-containing products subject to a tariff-rate quota under Appendix 2 to Annex 2–B of Chapter 2 of the USMCA to the CBP regulations governing the requirement for an export certificate, and conforming amendments for the declaration required for goods re-entered after repair or alteration in Canada or Mexico, recordkeeping provisions, and the modernized

drawback provisions. Concurrently with this interim final rule, CBP is publishing a notice of proposed rulemaking that proposes to apply the rules for all non-preferential origin determinations made by CBP for goods imported from Canada or Mexico. CBP will also issue additional USMCA implementing regulations in an interim final rule to be published in the **Federal Register** at a later date.

DATES: *Effective date:* This interim final rule is effective on July 1, 2021.

Comments due date: Comments must be received by September 7, 2021.

ADDRESSES: You may submit comments, identified by *docket number* USCBP–2021–0026, by *one* of the following methods:

- Federal eRulemaking Portal at <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *Mail:* Due to COVID–19-related restrictions, CBP has temporarily suspended its ability to receive public comments by mail.

Instructions: All submissions received must include the agency name and docket number for this rulemaking. All comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided. For detailed instructions on submitting comments and additional information on the rulemaking process, see the “Public Participation” heading of the **SUPPLEMENTARY INFORMATION** section of this document.

Docket: For access to the docket to read background documents or comments received, go to <http://www.regulations.gov>. Due to the relevant COVID–19-related restrictions, CBP has temporarily suspended on-site public inspection of the public comments.

FOR FURTHER INFORMATION CONTACT:

Operational Aspects and Audit Aspects: Queena Fan, Director, USMCA Center, Office of Trade, U.S. Customs and Border Protection, (202) 738–8946 or usmca@cbp.dhs.gov.

Legal Aspects: Craig T. Clark, Director, Commercial and Trade Facilitation Division, Regulations and Rulings, Office of Trade, U.S. Customs and Border Protection, (202) 325–0276 or craig.t.clark@cbp.dhs.gov.

SUPPLEMENTARY INFORMATION:

I. Public Participation

Interested persons are invited to participate in this rulemaking by submitting written data, views, or arguments on all aspects of this interim final rule. U.S. Customs and Border Protection (CBP) also invites comments

that relate to the economic, environmental, or federalism effects that might result from this interim final rule. Comments that will provide the most assistance to CBP will reference a specific portion of the interim final rule, explain the reason for any recommended change, and include data, information or authority that support such recommended change.

II. Background

On November 30, 2018, the “Protocol Replacing the North American Free Trade Agreement with the Agreement Between the United States of America, the United Mexican States, and Canada” (the Protocol) was signed to replace the North American Free Trade Agreement (NAFTA). The Agreement Between the United States of America, the United Mexican States (Mexico), and Canada (the USMCA)¹ is attached as an annex to the Protocol and was subsequently amended to reflect certain modifications and technical corrections in the “Protocol of Amendment to the Agreement Between the United States of America, the United Mexican States, and Canada” (the Amended Protocol), which the Office of the United States Trade Representative (USTR) signed on December 10, 2019.

Pursuant to section 106 of the Bipartisan Congressional Trade Priorities and Accountability Act of 2015 (19 U.S.C. 4205) and section 151 of the Trade Act of 1974 (19 U.S.C. 2191), the United States adopted the USMCA through the enactment of the United States-Mexico-Canada Agreement Implementation Act (USMCA Act), Public Law 116–113, 134 Stat. 11 (19 U.S.C. Chapter 29), on January 29, 2020. Section 103(a)(1)(B) of the USMCA Act (19 U.S.C. 4513(b)(1)) provides the authority for new or amended regulations to be issued to implement the USMCA, as of the date of its entry into force.

Mexico, Canada, and the United States certified their preparedness to implement the USMCA on December 12, 2019, March 13, 2020, and April 24, 2020, respectively. As a result, pursuant to paragraph 2 of the Protocol, which provides that the USMCA will take effect on the first day of the third month after the last signatory party provides written notification of the completion of the domestic implementation of the USMCA through the enactment of

¹ The Agreement Between the United States of America, the United Mexican States, and Canada is the official name of the USMCA treaty. Please be aware that, in other contexts, the same document is also referred to as the United States-Mexico-Canada Agreement.

implementing legislation, the USMCA entered into force on July 1, 2020.

Subsequent to the USMCA's entry into force date, on December 27, 2020, the Consolidated Appropriations Act, 2021 (Appropriations Act), Public Law 116–260, was enacted with Title VI of the Act containing technical corrections to the USMCA Act. All of the changes contained within Title VI of the Appropriations Act are retroactively effective on July 1, 2020, which is the entry into force date of the USMCA. These changes include amending section 202 of the USMCA Act (19 U.S.C. 4531) to prohibit non-originating goods used in production processes within foreign trade zones (FTZs) from qualifying as originating goods under the USMCA. *See* section 601(b) of Title VI of the Appropriations Act. Additionally, section 601(e) of Title VI of the Appropriations Act amended 19 U.S.C. 1520(d) to allow the refund of merchandise processing fees for USMCA post-importation claims.

Pursuant to Article 5.16 of the USMCA, the United States, Mexico, and Canada trilaterally negotiated and agreed to Uniform Regulations. The USMCA Free Trade Commission adopted the Uniform Regulations in its Decision No.1, effective as of the date of entry into force of the USMCA. Annex I to that decision includes:²

- The Uniform Regulations Regarding the Interpretation, Application, and Administration of Chapter 4 (Rules of Origin) and Related Provisions in Chapter 6 (Textile and Apparel Goods) (Uniform Regulations regarding rules of origin), and
- The Uniform Regulations Regarding the Interpretation, Application, and Administration of Chapters 5 (Origin Procedures), 6 (Textile and Apparel Goods), and 7 (Customs Administration and Trade Facilitation) of the Agreement Between the United States of America, the United Mexican States, and Canada (Uniform Regulations regarding origin procedures).

In accordance with USMCA Article 5.16, modifications or additions to the Uniform Regulations shall be considered regularly to reduce their complexity and to ensure better compliance. To this end, further iterations of the Uniform Regulations may be negotiated. Part 182 of title 19 of the Code of Federal Regulations (CFR)(19 CFR part 182) will be amended through rulemaking to reflect future

changes to the Uniform Regulations, as needed.

The USMCA superseded NAFTA and its related provisions on the USMCA's entry into force date. *See* Protocol, paragraph 1. Section 601 of the USMCA Act repealed the North American Free Trade Agreement Implementation Act (NAFTA Implementation Act), Public Law 103–182, 107 Stat. 2057 (19 U.S.C. 3301), as of the date that the USMCA entered into force. The NAFTA provisions set forth in part 181 of title 19 of the CFR (19 CFR part 181) and in General Note 12, Harmonized Tariff Schedule of the United States (HTSUS), continue to apply to goods entered for consumption, or withdrawn from warehouse for consumption, prior to July 1, 2020.

Claims for preferential tariff treatment under the USMCA may be made as of July 1, 2020. On July 1, 2020, CBP published an interim final rule (IFR), entitled “Implementation of the Agreement Between the United States of America, the United Mexican States, and Canada (USMCA) Uniform Regulations Regarding Rules of Origin,” in the **Federal Register** (85 FR 39690), amending part 181 and adding a new part 182 containing several USMCA provisions, including the Uniform Regulations regarding rules of origin (Appendix A to part 182). In addition to those regulations and the regulations set forth in this document, persons intending to make USMCA preference claims may refer to the CBP website at <https://www.cbp.gov/trade/priority-issues/trade-agreements/free-trade-agreements/USMCA> for further guidance, including the U.S. USMCA Implementing Instructions. The United States International Trade Commission has modified the HTSUS to include the addition of a new General Note 11, incorporating the USMCA rules of origin for preference purposes, and the insertion of the special program indicator “S” or “S+” for the USMCA in the HTSUS “special” rate of duty subcolumn.³

A. The Customs Related USMCA Provisions

The USMCA is composed of 34 chapters along with additional side letters. CBP is responsible for administering the customs related provisions contained within Chapters 1 (Initial Provisions and General Definitions), 2 (National Treatment and Market Access for Goods), 4 (Rules of Origin), 5 (Origin Procedures), 6 (Textile and Apparel Goods) and 7 (Customs

Administration and Trade Facilitation) of the USMCA and the Uniform Regulations regarding rules of origin as well as the Uniform Regulations regarding origin procedures, pursuant to Article 5.16 of the USMCA.

This IFR amends the CBP regulations to implement significant portions of the USMCA, but does not contain all relevant subparts. CBP will promulgate the remaining USMCA implementing regulations and solicit public comments at a later date. Additionally, future trilateral negotiations on the Uniform Regulations may result in additional provisions that must be included in the rulemaking process at a later date. CBP will address any comments received in a final rule published in the **Federal Register**.

1. Customs Related USMCA Provisions Addressed in This IFR

Chapter 1 of the USMCA contains the general definitions and country-specific definitions applicable to the USMCA, unless otherwise provided.

Chapter 2 of the USMCA sets forth the national treatment and market access provisions. Unless otherwise provided, each USMCA country shall apply a customs duty on an originating good in accordance with its Schedule to Annex 2–B (Tariff Commitments) of Chapter 2 of the USMCA. *See* Article 2.4 of the USMCA. Appendix 2 to Annex 2–B of Chapter 2 of the USMCA contains the Tariff Schedule of the United States reflecting the tariff-rate quotas that the United States will apply to certain originating goods from Canada under the USMCA. Specifically, paragraph 15 of Appendix 2 to Annex 2–B contains the tariff-rate quota for sugar-containing products of Canada that necessitates an amendment to the CBP regulations. Chapter 2 of the USMCA also sets forth the definition of “commercial samples of negligible value” (Article 2.1); the duty-free treatment of those commercial samples of negligible value, subject to certain conditions (Article 2.9); the duty-free treatment of goods re-entered after being temporarily exported to another USMCA country for repair or alteration, subject to certain exceptions and conditions (Article 2.8); and the drawback and duty-deferral program provisions (Article 2.5).

Chapter 5 of the USMCA sets forth the origin procedures. Specifically, Chapter 5 of the USMCA contains the rules for making a claim for preferential tariff treatment (Article 5.2); the requirements for a certification of origin (Article 5.2); the set of minimum data elements required for a certification of origin (Annex 5–A); the basis of the certification of origin (Article 5.3); the

² Available at: <https://ustr.gov/trade-agreements/free-trade-agreements/united-states-mexico-canada-agreement/free-trade-commission-decisions/usmca-free-trade-commission-decision-1>.

³ The S+ indicator is used for certain agricultural goods and textile tariff preference levels (TPLs).

importer's obligations regarding importations when claiming preferential tariff treatment (Article 5.4); the exporter's and producer's obligations (Article 5.6); the recordkeeping requirements for importers, exporters, and producers (Article 5.8); the general origin verification requirements and procedures (Article 5.9); the determination of origin provisions (Article 5.10); the right to file for refunds and claims for preferential tariff treatment after importation (Article 5.11); and the confidentiality provisions related to the exchange of information between USMCA countries (Article 5.12). Additionally, Article 5.5 of the USMCA sets forth the exceptions to the certification of origin requirement. Pursuant to Article 5.5, a certification of origin is not required, with some exceptions related to evading compliance, for a claim of preferential tariff treatment if the value of the importation does not exceed \$1,000 U.S. dollars or any higher amount as the importing USMCA country may establish, or it is an importation of a good for which the USMCA country into whose territory the good was imported has waived the requirement for a certification of origin. Consistent with this article, the United States has established, with the same exceptions related to evading compliance, a higher importation value amount of \$2,500 U.S. dollars for commercial importations and has waived the certification of origin requirement for the entire category of non-commercial importations.

The penalties provisions for the USMCA are described in Chapters 5 and 7. Article 5.13 provides that each USMCA country shall maintain criminal, civil, or administrative penalties for violations of its laws and regulations related to Chapter 5 (*see also* Articles 5.4.2 and 5.6.3). Chapter 7 of the USMCA generally sets forth provisions related to customs administration and trade facilitation. Specifically, Article 7.18 states that each USMCA country shall adopt or maintain measures that allow for the imposition of a penalty by a USMCA country's customs administration for breach of its customs laws, regulations, or procedural requirements, including those governing tariff classification, customs valuation, transit procedures, country of origin, or claims for preferential tariff treatment. Chapter 7 of the USMCA also contains the confidentiality provisions related to the protection of information collected from traders. The confidentiality provisions in Article 7.22, in combination with the confidentiality

provisions in Article 5.12, ensure the protection of confidential information provided to a USMCA country's customs administration and prevent the unauthorized disclosure of this information to third parties and to other USMCA countries.

The Chapters 1, 2, 5, and 7 provisions discussed above are reflected in this IFR.

2. Customs Related Provisions Addressed in Previously Published IFR

Chapter 4 of the USMCA contains the general rules of origin for preferential tariff treatment provisions, and Chapter 6 includes the rules of origin specific to textiles and apparel goods. CBP has already incorporated these rules of origin into the CBP regulations. On July 1, 2020, CBP published an IFR in the **Federal Register** (85 FR 39690) to, in part, add the Uniform Regulations regarding rules of origin trilaterally agreed upon by the United States, Mexico, and Canada as Appendix A of new part 182 to title 19 of the CFR (19 CFR part 182).

3. Customs Related Provisions To Be Addressed in Subsequent Rulemaking

Any additional CBP regulations needed to implement USMCA provisions will be included in a subsequent rulemaking to be published in the **Federal Register** at a later date.

B. Verifications and Determinations of Origin

Chapter 5 of the USMCA and the Uniform Regulations regarding origin procedures govern the verification and determination of origin requirements and procedures. Pursuant to Article 5.9.1 of Chapter 5 of the USMCA, a USMCA country, through its customs administration, may conduct a verification to determine whether a good qualifies for USMCA preferential tariff treatment by one or more of the following means: A written request or questionnaire seeking information, including documents, from the importer, exporter, or producer; a verification visit to the premises of the exporter or producer in order to request information, including documents, and to observe the production process and the related facilities; for a textile or apparel good, the procedures set out in USMCA Article 6.6; or any other procedure as may be decided by the USMCA countries. For textile or apparel goods, the verification procedures set out in USMCA Article 6.6 provide an alternative verification means that a USMCA country has the discretion to utilize only when conducting a textile or apparel goods verification. The

USMCA Article 6.6 site visit verification requirements and procedures will be addressed in a subsequent rulemaking to be published in the **Federal Register** at a later date.

A USMCA country may choose to initiate a verification, using any of these verification means, with the importer or with the person who completed the certification of origin. *See* USMCA Article 5.9.2. If the USMCA country initiates a verification other than with the importer, it must inform the importer, only for the purpose of the importer's knowledge, of the initiation of the verification. *See* USMCA Article 5.9.6 and the Uniform Regulations regarding origin procedures.

USMCA Article 5.9 and the Uniform Regulations regarding origin procedures set forth the information that must be contained in a written request for information, questionnaire, or request for a verification visit (*see* USMCA Article 5.9.5), the requirements that a USMCA country must follow during a verification (*see* USMCA Article 5.9.7(a) and (b)), the time that the importer, exporter, or producer has to respond to a request for information or questionnaire (*see* USMCA Article 5.9.7(c)), and the time that the exporter or producer has to consent to or refuse a verification visit request (*see* USMCA Article 5.9.7(d)).

Pursuant to USMCA Article 5.9.9, when a USMCA country initiates a verification through a verification visit request, the USMCA country is required to provide a copy of the verification visit request to the customs administration of the USMCA country in whose territory the visit is to occur, and, if requested by the USMCA country in whose territory the visit is to occur, the embassy of that USMCA country in the territory of the USMCA country proposing to conduct the visit. USMCA Article 5.9 contains additional provisions governing verification visit procedures, including providing the circumstances under which the exporter or producer whose premises are to be visited during the verification visit, or the customs administration of the USMCA country in whose territory the verification visit is to occur, may postpone the verification visit. *See* USMCA Article 5.9.10 and 5.9.11.

During a verification, there are also requirements that records be made available for inspection. USMCA Article 5.8 requires that importers, exporters, and producers maintain certain documentation and records. Pursuant to the Uniform Regulations regarding origin procedures, these records must be maintained in such a manner as to enable an officer of the USMCA

country's customs administration, when conducting a verification under USMCA Article 5.9, to perform detailed verifications of the documentation and records to verify the information on the basis of which the certification of origin was completed and the claim for preferential tariff treatment was made. Importers, exporters, and producers that are required to maintain records pursuant to USMCA Article 5.8.1 and 5.8.2 must make those records available for inspection by an officer of the USMCA country's customs administration conducting a verification, and in the case of a verification visit, provide facilities for that inspection.

The Uniform Regulations regarding origin procedures also clarify that, where a USMCA country's customs administration is conducting a verification of a good under USMCA Article 5.9, the customs administration may conduct an origin verification of a material that is used in the production of that good. The verification of that material is expected to be conducted in accordance with certain USMCA procedures. The Uniform Regulations regarding origin procedures enumerate the specific USMCA articles and Uniform Regulations regarding origin procedures paragraphs that apply to the verification of materials.⁴ The USMCA country's customs administration may, during a verification of a material that is used in the production of a good, consider the material to be non-originating in determining whether the good is an originating good, if the producer or supplier of that material does not allow the customs administration access to information required to make a determination of whether the material is originating by denying access to its records; failing to respond to a verification questionnaire or letter; or refusing to consent to a verification visit within the required time.

After the verification is conducted, the USMCA country must provide the importer, and the exporter or producer that completed the certification of origin and is the subject of the verification,

⁴ See Uniform Regulations regarding origin procedures, Origin Verifications Section, paragraph 10, which states that where the customs administration of a USMCA country, in conducting an origin verification of a good imported into its territory under USMCA Article 5.9, conducts an origin verification of a material that is used in the production of the good, the origin verification of that material is expected to be conducted in accordance with the procedures set out in: USMCA Article 5.9(1), (5), (7 through 11), (13), and (18); and paragraphs 3, 6, 13, 14, and 15 of the Origin Verifications Section of the Uniform Regulations regarding origin procedures.

with a written determination of origin that includes the findings of facts and the legal basis for the determination. See USMCA Article 5.9.14. Prior to issuing this determination of origin, if the USMCA country intends to deny USMCA preferential tariff treatment, the USMCA country must inform the importer, and any exporter or producer who is the subject of the verification and provided information during the verification, of the preliminary results of the verification and a notice of intent to deny that includes when the denial would be effective and a period of at least 30 days for the submission of additional information, including documents, related to the originating status of the good. See USMCA Article 5.9.16. The reasons that a USMCA country may deny USMCA preferential tariff treatment are set forth in USMCA Article 5.10.2. Additionally, in accordance with USMCA Article 5.9.17, if a verification indicates a pattern of conduct by an importer, exporter, or producer of false or unsupported representations that a good imported into the country's territory qualifies as an originating good, the USMCA country may withhold preferential tariff treatment to identical goods imported, exported, or produced by such person until that person establishes compliance with USMCA Chapters 4, 5, and 6.

Section 207(a)(1)(A) of the USMCA Act (19 U.S.C. 4533(a)(1)(A)) provides the Secretary of the Treasury with the authority to conduct a verification, pursuant to USMCA Article 5.9, of whether a good is an originating good under section 202 of the USMCA Act (19 U.S.C. 4531) or section 202A of the USMCA Act (19 U.S.C. 4532). Section 207(b) of the USMCA Act (19 U.S.C. 4533(b)(1)) sets forth the basis for a negative determination of origin that applies to verifications conducted under USMCA Chapter 5. Specifically, section 207(b) of the USMCA Act provides that a negative determination is a determination by the Secretary that a claim by the importer, exporter, or producer that the good qualifies as an originating good under 19 U.S.C. 4531 is inaccurate; that the good does not qualify for preferential tariff treatment under the USMCA because the importer, exporter, or producer failed to respond to a request for information or failed to provide sufficient information to determine that the good qualifies as an originating good; after receipt of a notification of a verification visit, the exporter or producer did not provide written consent for the visit; the importer, exporter, or producer does not maintain, or denies access to, records or

documentation required under section 508(1) of the Tariff Act of 1930, as amended (19 U.S.C. 1508(1)); or the importer, exporter, or producer otherwise fails to comply with the requirements of section 207 of the USMCA Act or, based on the preponderance of the evidence, circumvents the requirements of section 207 of the USMCA Act. Section 207(c)(1) of the USMCA Act (19 U.S.C. 4533(c)(1)) provides that, upon making a negative determination, the Secretary may deny preferential tariff treatment under the USMCA with respect to the good while section 207(c)(2) of the USMCA Act (19 U.S.C. 4533(c)(2)) allows the Secretary to withhold preferential tariff treatment for identical goods based on a pattern of conduct.

To address these general USMCA verification and determination of origin requirements and procedures, CBP has included subpart G, *Origin Verifications and Determinations*, in part 182 of title 19 of the CFR.

C. Marking Rules

Section 304(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1304), provides that, unless excepted, every article of foreign origin imported into the United States shall be marked in a conspicuous place as legibly, indelibly, and permanently as the nature of the article (or container) will permit in such manner as to indicate to an ultimate purchaser in the United States the English name of the country of origin of the article. The regulations issued under the authority of section 304 to implement the country of origin marking requirements are set forth in 19 CFR part 134. Part 134 identifies the articles subject to marking, the methods and manner of marking that should be used, the exceptions to the marking requirements, the marking requirements for containers or holders, and the procedures for articles found not legally marked.

CBP employs two primary methods for determining the country of origin for marking purposes when imported goods are processed in, or contain materials from, more than one country. One method uses case-by-case adjudication to determine whether the goods have been substantially transformed in a particular country. The other method consists of codified rules, also used to determine whether the goods have been substantially transformed, primarily expressed through a change in the HTSUS classification, often referred to as a "tariff shift."

Part 134 sets forth the country of origin marking requirements and exceptions. Section 134.1(b) defines

“country of origin” as the country of manufacture, production, or growth of any article of foreign origin entering the United States. Further work or material added to an article in another country must effect a substantial transformation in order to render such other country the “country of origin” within the meaning of part 134; however, for a good of a NAFTA country, the marking rules set forth in part 102 of title 19 of the CFR (19 CFR part 102) apply (although these rules have commonly been referred to as the NAFTA Marking Rules, they apply in other contexts as well and are thus referred to herein as the “part 102 rules”).”). The part 102 rules are codified rules that determine the country of origin for marking purposes using primarily the “tariff shift” method. CBP first promulgated these codified part 102 rules to fulfill the United States’ commitment under Annex 311 of NAFTA, which required the parties to establish rules for determining whether a good is a good of a NAFTA country. Although the NAFTA Implementation Act was repealed by the USMCA Act as of July 1, 2020, the part 102 rules remain in effect. The part 102 rules are also used for several other trade agreements. For instance, as indicated in the scope provision for part 102 (§ 102.0), the rules set forth in §§ 102.1 through 102.21 also apply for purposes of determining whether an imported good is a new or different article of commerce under § 10.769 of the United States-Morocco Free Trade Agreement regulations and § 10.809 of the United States-Bahrain Free Trade Agreement regulations.

The USMCA does not contain a general marking requirement. Except for certain agricultural goods, a good does not need to first qualify to be marked as a good of Mexico or Canada in order to receive preferential tariff treatment under the USMCA. For most goods, only the general Uniform Regulations regarding rules of origin set forth in Appendix A of part 182 of title 19 of the CFR and the product-specific rules of origin contained in General Note 11, HTSUS, are needed to determine whether a good is an originating good under the USMCA to receive preferential tariff treatment. Therefore, in line with the present scope of the part 102 rules, the part 102 rules will continue to be applicable to determine country of origin for marking purposes for goods imported from Canada or Mexico under the USMCA (regardless of whether preferential tariff treatment is claimed).

The Secretary of the Treasury has general rulemaking authority, pursuant

to 19 U.S.C. 1304 and 1624, to make such regulations as may be necessary to carry out the provisions of section 304(a) of the Tariff Act of 1930, as amended, related to the country of origin marking requirements for imported articles of foreign origin. CBP believes that extending application of the well-established part 102 rules to USMCA goods will provide continuity for the Canadian and Mexican importing community because those rules have been applied to all imports from Canada and Mexico since 1994. As a result of this longevity, the importing community has made extensive efforts to comply with the part 102 rules and CBP has significant experience in applying those rules to goods from Canada and Mexico. These factors provide predictability and consistency in the application of the marking rules and in CBP’s administration of the rules. The codified part 102 rules are a simplified and standardized approach for determining the country of origin for marking purposes (regardless of whether preferential tariff treatment is claimed).

The importing communities from Canada and Mexico are used to applying the part 102 rules as opposed to the case-by-case method. Accordingly, to make the transition from NAFTA to the USMCA as least disruptive to the importing community as possible, CBP has decided to continue application of the current part 102 rules to determine the country of origin for marking purposes of a good imported from Canada or Mexico to articles imported pursuant to the USMCA. However, the other marking requirements in 19 CFR part 134, such as the rules for marking containers, the exceptions applicable to the marking requirements, and the methods of marking, also previously applied to goods from Canada and Mexico, and continue to apply to these goods. Thus, CBP is amending parts 102 and 134 of title 19 of the CFR to continue the application of the part 102 rules for determining origin for marking purposes for Mexico and Canada, and also to reflect the continued applicability of the other marking requirements and the relevant exceptions.

Origin determinations are also required in other instances, such as in the administration of quantitative restrictions. Concurrently with this IFR, CBP is publishing a notice of proposed rulemaking (NPRM) that proposes to apply the part 102 rules for non-preferential origin determinations made by CBP for goods imported from Canada or Mexico, including government

procurement determinations.⁵ In addition to promoting uniformity and transparency, the NPRM will implement USMCA Article 13.4.5, which provides as follows: “For the purposes of covered procurement, a Party shall not apply rules of origin to goods or services imported from or supplied from the other Party that are different from the rules of origin the Party applies at the same time in the normal course of trade to imports or supplies of the same goods or services from the same Party.”⁶

Adverse Marking Decisions

Under NAFTA, an adverse marking decision is a decision by CBP which an exporter or producer of merchandise believes to be contrary to the provisions of Annex 311 of NAFTA. While Article 510 of NAFTA provides specific rights of review and appeal for marking determinations, the USMCA does not provide any such rights. Additionally, section 209 of the USMCA Act struck the language from subsection (k) of section 304 of the Tariff Act of 1930, as amended (19 U.S.C. 1304(k)), that provided these specific petition rights, such as with respect to adverse marking decisions, for NAFTA exporters and producers. Thus, these specific rights and procedures are not provided for under the USMCA or the USMCA Act. Accordingly, an importer, or an exporter or producer (only when acting as the importer of record (IOR)) wishing to request review and/or appeal of CBP marking determinations must follow the procedures set forth in part 174 of the CFR.

Part 174 sets forth the general protest procedures pursuant to 19 U.S.C. 1514, which allows for the administrative review of challenges to CBP determinations, including marking and other origin decisions. As the general statutory and regulatory authority for protests in 19 U.S.C. 1514 and 19 CFR part 174 and the specific USMCA authority under the USMCA and the USMCA Act do not provide exporters or

⁵ That proposed rule does not apply for purposes of determining whether merchandise is subject to the scope of antidumping and countervailing duty proceedings under Title VII of the Tariff Act of 1930, as amended, as such determinations fall under the authority of the Department of Commerce. Specifically, notwithstanding a CBP country of origin determination, that merchandise may be subject to the scope of antidumping and/or countervailing duty proceedings associated with a different country.

⁶ Although Canada is not a party to Chapter 13 of the USMCA, the United States has a similar commitment to Canada through Article IV–5 of the World Trade Organization (WTO) Revised Agreement on Government Trade, as amended on Mar. 30, 2012, Marrakesh Agreement Establishing the World Trade Organization, Annex 4(b), 1915 U.N.T.S. 103.

producers the right to request administrative review and appeal of marking decisions, USMCA exporters and producers may not file a protest of a marking determination under the USMCA, unless the exporter or producer is acting as the IOR.

D. Tariff-Rate Quota for Sugar-Containing Products Originating in Canada

Tariff-rate quotas permit a specified quantity (“in-quota quantity”) of merchandise to be entered or withdrawn for consumption at a reduced duty rate (“in-quota tariff rate of duty”) during a specified period. See 19 CFR 132.1(b). Appendix 2 to Annex 2–B of Chapter 2 of the USMCA, entitled Tariff Schedule of the United States—(Tariff Rate Quotas), reflects the tariff-rate quotas that the United States will apply to certain originating goods from Canada under the USMCA. These originating goods from Canada are permitted entry into the territory of the United States, at the in-quota quantity, subject to the reduced quota rates instead of the rates of duty specified in Chapter 1 through Chapter 97 of the HTSUS.

Paragraph 15 of Appendix 2 to Annex 2–B of the USMCA sets out the tariff-rate quota for sugar-containing products of Canada, including the aggregate quantity of originating goods of Canada permitted to enter free of duty in each calendar year and the article description of the qualifying originating goods. Pursuant to section 103(c)(4) of the USMCA Act, which authorizes the President to take necessary actions to implement the tariff-rate quotas in the Schedule of the United States to Annex 2–B of the USMCA, the special classification provisions in Chapter 98 of the HTSUS have been modified to include the sugar-containing products subject to this tariff-rate quota.

The tariff-rate quota for sugar-containing products of Canada under the USMCA will be administered using export certificates. When Canada provides the United States with the written notification of its intent to require export certificates for sugar-containing products in accordance with paragraph 15(d) of Appendix 2 of Annex 2–B of the USMCA, the USTR will publish a notice in the **Federal Register** announcing this determination. In any year for which the USTR has published such a determination in the **Federal Register**, imports of the sugar-containing products of Canada, at the in-quota quantity, will only be eligible for the in-quota tariff rate of duty if the U.S. importer makes a declaration to CBP, in the form and manner determined by CBP, that a valid export

certificate issued by the Government of Canada is in effect for the goods.

Section 132.17 of title 19 of the CFR (19 CFR 132.17) sets forth the form and manner determined by CBP to constitute a required declaration that a valid export certificate is in effect for the goods. Specifically, § 132.17 governs the requirement for an export certificate for sugar-containing products to qualify for the tariff-rate quota and provides a description of the sugar-containing products subject to these requirements, when the export certificate is valid, and the recordkeeping retention and production requirements. For the sugar-containing products described in § 132.17(a), the importer must possess a valid export certificate in order to claim the in-quota tariff rate of duty on the products at the time they are entered or withdrawn from warehouse for consumption. The importer must record the unique identifier of the export certificate for these products on the entry summary or warehouse withdrawal for consumption (Customs Form 7501, column 34), or its electronic equivalent. The Government of Canada will issue the export certificates. A certificate is valid if it meets the requirements of 15 CFR 2015.3(b). If the export certificate is valid, it will authorize entry into the United States at the in-quota tariff rate of duty established under the USMCA.

III. Amendments to the Regulations

Pursuant to 19 U.S.C. 4535(a), the Secretary of the Treasury has the authority to prescribe such regulations as may be necessary to implement the USMCA. Section 103(b)(1) of the USMCA Act (19 U.S.C. 4513(b)(1)) requires that initial regulations necessary or appropriate to carry out the actions required by or authorized under the USMCA Act or proposed in the Statement of Administrative Action approved under 19 U.S.C. 4511(a)(2) to implement the USMCA shall, to the maximum extent feasible, be prescribed within one year after the date on which the USMCA enters into force. This IFR amends the CBP regulations to implement significant portions of the USMCA. CBP will promulgate the remaining USMCA implementing regulations.

In order to provide transparency and facilitate their use, the majority of the USMCA implementing regulations are set forth in part 182 of title 19 of the CFR, entitled the *United States-Mexico-Canada Agreement*. Part 182 sets forth the USMCA preferential tariff treatment and other customs related provisions. This IFR amends part 182 to add regulations implementing significant

portions of USMCA Chapters 1, 2, 5, and 7, as discussed above, in the existing part 182 regulatory framework. Additionally, this document makes necessary amendments to other parts of title 19 of the CFR to implement relevant USMCA provisions and to apply the part 102 rules when determining the country of origin for marking purposes for goods imported from USMCA countries.

All of the regulatory amendments made in this document are consistent with the provisions of the USMCA, the Uniform Regulations regarding origin procedures, and the USMCA Act (19 U.S.C. Chapter 29).

A. Part 10

Section 10.8 sets forth the documentation requirements for articles exported for repairs or alterations. As explained further in Section III.F., *Subpart J—Commercial Samples and Goods Returned after Repair or Alteration* below, CBP is applying the documentation provisions of § 10.8(a), (b), and (c) to the entry of goods which are returned from Canada or Mexico after having been exported for repairs or alterations and which are claimed to be duty-free. Section 10.8(a)(2) provides that a declaration must be completed by the owner, importer, consignee, or agent having knowledge of the pertinent facts and filed during entry of the articles that are returned after having been exported for repairs or alterations. Currently, this declaration requires the individual completing it to state that such articles were exported from the United States for repairs or alterations and without benefit of drawback. This portion of the declaration is necessary because ordinarily these re-entered goods do not qualify for a reduced duty rate with the benefit of drawback. However, there is an exception provided in U.S. Note 1 of Subchapter II, Chapter 98, HTSUS, for NAFTA and USMCA drawback. Goods re-entered after repair or alteration are eligible for duty-free treatment even if subject to NAFTA or USMCA drawback. Accordingly, CBP is amending the declaration in § 10.8(a)(2) to clarify this distinction by adding “(unless subject to USMCA drawback)” after “without the benefit of drawback.”

B. Part 102

Part 102, *Rules of Origin*, sets forth rules for determining the country of origin of certain imported goods. CBP is amending part 102 of title 19 of the CFR (19 CFR part 102) to apply its rules of origin to determine the country of origin for marking purposes of goods imported from Canada or Mexico under the

USMCA (regardless of whether preferential tariff treatment is claimed).

1. Scope

This document amends § 102.0 to extend the scope of part 102 to include the USMCA. Section 102.0 is revised to state that the rules set forth in §§ 102.1 through 102.18 and 102.20 also determine the country of origin for marking purposes for goods imported from a USMCA country. Under the USMCA, the Uniform Regulations regarding rules of origin set forth in Appendix A to part 182 and the product-specific rules of origin contained in General Note 11, HTSUS, are needed to determine whether a good originates under the USMCA to receive preferential tariff treatment. The USMCA includes, *inter alia*, provisions that rely on whether goods qualify to be marked as goods of Canada, Mexico, or, under General Note 11, HTSUS, the United States, to determine the appropriate tariff benefit, thus also requiring the part 102 rules. See USMCA Chapter 2, Annex 2–B, Tariff Schedule of the United States, General Notes.

2. Definitions

Section 102.1 sets forth the general definitions applicable to this part. CBP is adding a new definition for “inventory management method” to provide clarity to the public. Currently, part 102 refers to the inventory management method merely with cross-references to part 181 without defining the term or providing a specific citation for where the method is described. As the term “inventory management method” is used for purposes of NAFTA and the USMCA, CBP believes that adding the definition in § 102.1 is necessary. Thus, the term “inventory management method” is added as paragraph (l) and is defined as “(1) averaging; (2) “last-in, first-out;” (3) “first-in, first-out;” or (4) any other method that is recognized in the Generally Accepted Accounting Principles (GAAP) of the country in which the production is performed or otherwise accepted by that country.” In order to add the term in alphabetical order, CBP is redesignating paragraphs (l) through (p) as paragraphs (m) through (q).

CBP is also revising the definition of “value.” The definition of “value” provides different methods for calculating the value of goods or materials for purposes of determining whether foreign material that does not undergo the applicable change in tariff classification (set out in § 102.20) or satisfies the other applicable

requirements of that section is considered de minimis (set out in § 102.13). CBP is adding the clarifier “under NAFTA” to paragraphs (1) and (2) to make clear that the methods set forth in these paragraphs only apply to NAFTA. CBP is adding a new paragraph (3) to set forth the method used for calculating the value of goods or materials under the USMCA for purposes of determining whether foreign material is considered de minimis. Under the USMCA, the value of a good or material is its customs value or transaction value within the meaning of the Uniform Regulations regarding rules of origin set forth in Appendix A to part 182.

3. Inapplicability of NAFTA Preference Override to USMCA Claims

CBP is amending § 102.19 to limit the NAFTA preference override to apply to NAFTA only. Under NAFTA, to receive preferential tariff treatment, a good must be “originating” under General Note 12, HTSUS, and the good must qualify to be marked as a good of a NAFTA country under the part 102 rules in § 102.20. Under the USMCA, unlike NAFTA, a good does not need to qualify to be marked as a good of Canada or Mexico in order to receive preferential tariff treatment. Accordingly, the NAFTA preference override provisions are no longer necessary under the USMCA. Thus, CBP is adding a new paragraph (c) to § 102.19 to state that the NAFTA preference override in paragraphs (a) and (b) applies only to goods entered for consumption, or withdrawn from warehouse for consumption, prior to July 1, 2020, which is the date that the USMCA entered into force.

4. Conforming Amendments

As a result of adding the definition of “inventory management method” to § 102.1, CBP needs to make several conforming amendments to other sections of part 102. Accordingly, CBP is removing the phrase “provided under the appendix to part 181 of this chapter” from § 102.11(b)(2) and “provided under the appendix to part 181 of the Customs Regulations” from § 102.12(b). These cross-references to the inventory management methods in the appendix to part 181 are no longer needed because the definition of “inventory management method” is now contained in the general definitions of part 102.

C. Part 132

Part 132, *Quotas*, sets forth the rules and procedures applicable to quotas administered by CBP. CBP is amending § 132.17(a) to reflect the tariff-rate quota

for sugar-containing products of Canada established in paragraph 15 of Appendix 2 to Annex 2–B of Chapter 2 of the USMCA. CBP has decided to adopt a similar approach for describing the sugar-containing products as used in the preceding section of this part when describing the beef products subject to an export certificate requirement. This simpler approach removes the specific HTSUS subheading classifications and, alternatively, cross-references to the USTR definition of sugar-containing products and the description of the products in paragraph 15 of Appendix 2 to Annex 2–B of Chapter 2 of the USMCA. As CBP is not the party responsible for determining the sugar-containing products that qualify for the tariff-rate quota, this approach ensures that the CBP regulations contain an accurate description of the products in the event of a change in the HTSUS subheadings or a change in the USTR definition.

D. Part 134

Part 134, *Country of Origin Marking*, sets forth the regulations implementing the country of origin marking requirements and exceptions of section 304 of the Tariff Act of 1930, as amended (19 U.S.C. 1304). For purposes of the USMCA, the part 102 rules will be applied to determine the country of origin for marking purposes of a good imported from Canada or Mexico (regardless of whether preferential tariff treatment is claimed). Thus, CBP is making the necessary amendments to part 134. Part 134 identifies the articles subject to marking, the methods and manner of marking that should be used, the exceptions to the marking requirements, the marking requirements for containers or holders, and the procedures for articles found not legally marked.

1. Definitions

Section 134.1 contains the definitions for part 134. CBP is adding the USMCA to several definitions to clarify that, for those purposes, a good may be from either a NAFTA or USMCA country. In the “country of origin” definition in § 134.1(b), CBP is adding language to clarify that for a good of a NAFTA or USMCA country, the rules set forth in part 102 determine the country of origin for marking purposes. The definition of the “NAFTA Marking Rules” in paragraph (j) has been replaced with a new definition for the “Part 102 Rules,” which are rules promulgated for purposes of determining whether a good is a good of a NAFTA country and to determine the country of origin for

marking purposes for goods imported from USMCA countries.

For the definition of “ultimate purchaser” in § 134.1(d), CBP is adding “or USMCA” to note that, instead of the general definition of “ultimate purchaser,” the USMCA will use the same definition of “ultimate purchaser” as applied to a good of a NAFTA country. For a good of a NAFTA or USMCA country, the “ultimate purchaser” is the last person in the United States who purchases the good in the form in which it was imported. The words “or USMCA” have also been added to the examples and the term “part 102 Rules” has replaced the term “NAFTA Marking Rules,” in the examples of an “ultimate purchaser,” as appropriate.

CBP is further amending § 134.1(g) to add the USMCA to the definition of a “good of a NAFTA country” and to replace references to the “NAFTA Marking Rules” with “part 102 Rules.” The paragraph heading of paragraph (g) has been revised to read “good of a NAFTA or USMCA country” and “or USMCA” has been added to the definition to define a “good of a NAFTA or USMCA country” for marking purposes, as an article for which the country of origin is Canada, Mexico, or the United States as determined under the part 102 Rules. Paragraph (i) defining a “NAFTA country” has similarly been revised. The paragraph heading of paragraph (i) has been revised to read “NAFTA or USMCA country” and the appropriate cross-reference to the definition of “territory” in the USMCA has been added.

Accordingly, a “NAFTA or USMCA country” is defined as the territory of the United States, Canada, or Mexico, as defined in Annex 201.1 of the NAFTA and Chapter 1, Section C of the USMCA.

Finally, § 134.1 has added a new paragraph (l) to include a definition of “USMCA” and has revised the definition of “NAFTA” in paragraph (h). The new paragraph (l) defines “USMCA” as the Agreement between the United States of America, the United Mexican States, and Canada (USMCA), entered into force by the United States, Canada and Mexico on July 1, 2020. CBP has also added a second sentence to the definition of “NAFTA” stating that NAFTA is not applicable to goods entered for consumption, or withdrawn from warehouse for consumption, on or after July 1, 2020 to clarify in part 134 that the USMCA superseded NAFTA when it entered into force.

2. Marking of Containers

Subpart C of part 134 addresses the marking requirements and exceptions

under 19 U.S.C. 1304(b) for containers and holders. CBP is amending §§ 134.22, 134.23 and 134.24, which provide the general rules for marking of containers or holders, the rules for containers or holders designed for or capable of reuse, and the rules for containers or holders not designed for or capable of reuse, to add the necessary USMCA references. Specifically, CBP is adding “or USMCA” to §§ 134.22(b), (d)(2), and (e)(1) to indicate that a good of a USMCA country which is a usual container is treated the same as a good of a NAFTA country. No marking is required for any good of a NAFTA or USMCA country that is a usual container.

CBP is amending § 134.23(a) to note that the exception for goods of a NAFTA country which are usual containers also applies to the USMCA with the addition of the words “or USMCA.” CBP is also revising §§ 134.24(c)(1), (c)(2), and (d)(1) by adding “or USMCA” to clarify that disposable containers or holders are treated the same under the USMCA as under NAFTA.

3. Exceptions to the Marking Requirements

In section 209 of the USMCA Act, Congress amended section 304(k) of the Tariff Act of 1930, as amended (19 U.S.C 1304(k)), to create the same exceptions to the marking requirements for the goods of a USMCA country as under NAFTA. Section 134.32 contains the general exceptions to the marking requirements. CBP is adding “or USMCA” to paragraphs (h), (p) and (q) of § 134.32 to indicate that the exceptions to the marking requirements apply to NAFTA and the USMCA. These general exceptions to the marking requirements are: to articles of a USMCA country for which the ultimate purchaser must reasonably know the country of origin by reason of the circumstances of their importation or by reason of the character of the articles even though they are not marked to indicate their origin; to goods of a USMCA country which are original works of art; and to goods of a USMCA country which are provided for in subheading 6904.10 or heading 8541 or 8542 of the HTSUS.

4. Other Marking Provisions

CBP is also adding “or USMCA” to multiple other provisions in part 134 to indicate that goods of a USMCA country are subject to the same treatment and marking requirements as goods of a NAFTA country. Specifically, CBP is revising §§ 134.35(a) and (b), 134.43(a), (c)(3), (d)(3), and 134.45(a)(2) to include the USMCA. These sections address

articles substantially changed by manufacture, methods of marking specific articles, and approved markings of country name, respectively. Additionally, CBP is revising § 134.35(b) to replace a reference to the “NAFTA Marking Rules” with “part 102 Rules.”

E. Part 163

Part 163, *Recordkeeping*, sets forth the recordkeeping requirements and procedures governing the maintenance, production, inspection, and examination of records. As discussed in more detail in Section III.F., *Subpart C—Export Requirements* below, 19 CFR 182.21(c) requires an exporter or producer who completes a certification of origin or a producer who provides a written representation for a good exported from the United States to Canada or Mexico to maintain all records and supporting documents relating to the origin of a good for which the certification of origin was completed. The records must be maintained as provided for in § 163.5. Because § 163.5(a) qualifies that the requirement to maintain records for the required retention periods and in the prescribed format only pertains to persons listed in § 163.2, CBP is amending § 163.2 to add USMCA exporters and producers.

CBP is amending the scope provision in § 163.0, redesignating § 163.2(c)(2) to (c)(3), and adding a new § 163.2(c)(2) to include the USMCA exporters or producers. It is not necessary to amend § 163.2 to include the USMCA importers because § 163.2 includes all importers without qualification. CBP will make any additional amendments to part 163 necessary to implement the USMCA and to incorporate modifications to the Uniform Regulations in a subsequent rulemaking to be published in the **Federal Register** at a later date.

F. Part 182

Part 182, *United States-Mexico-Canada Agreement*, implements the duty preference and related customs provisions applicable to imported goods under the USMCA. CBP is amending part 182 of title 19 of the CFR (19 CFR part 182) to promulgate additional USMCA implementing regulations related to Chapters 1, 2, 5, and 7 of the USMCA. Currently, part 182 contains a framework with its various subparts outlined. The existing part 182 substantive provisions include the scope, a rules of origin subpart (Subpart F), and Appendix A that sets forth the Uniform Regulations regarding rules of origin trilaterally agreed upon by the United States, Mexico, and Canada.

This document amends part 182 to add the general definitions and confidentiality provisions to Subpart A (General Provisions), and to add the implementing regulations for Subparts B (Import Requirements), C (Export Requirements), D (Post-Importation Duty Refund Claims), E (Restrictions on Drawback and Duty-Deferral Programs), G (Origin Verifications and Determinations), J (Commercial Samples and Goods Returned after Repair or Alteration), and K (Penalties). The implementing regulations for the remaining part 182 subparts will be included in a subsequent rulemaking to be published in the **Federal Register** at a later date.

Subpart A—General Provisions Definitions

Section 182.1 sets forth the general definitions applicable to this part. Chapter 1 of the USMCA sets forth the general and country-specific definitions to be applied throughout the USMCA, unless otherwise noted. Since § 182.1 contains the definitions of the common terms that are used in multiple places in part 182, it includes definitions from 19 U.S.C. 4502, several Chapters of the USMCA, and the Uniform Regulations regarding rules of origin set forth in Appendix A to part 182. Additional definitions that are not common terms throughout part 182 and are applicable on a more limited basis are set forth elsewhere with the substantive provisions to which they relate. For instance, Appendix A to part 182 contains many definitions that are applicable only to the Uniform Regulations regarding rules of origin.

Confidentiality

To ensure protection of confidential information provided to a USMCA country's customs administration and to prevent the unauthorized disclosure of this information to third parties and to other USMCA countries, the USMCA contains confidentiality protections. These confidentiality provisions are set forth in USMCA Articles 5.12, 7.22, 7.26, and 7.28. The USMCA also extends the confidentiality provisions in Articles 5.12 and 7.22 to textile and apparel goods under USMCA Chapter 6. *See* USMCA Article 6.9.

Article 5.12 generally governs the treatment of confidential information exchanged by USMCA countries. A USMCA country that receives information designated as confidential from another USMCA country or that is deemed confidential under the receiving USMCA country's laws is required to maintain the confidentiality of this

information pursuant to its respective laws. The receiving USMCA country may use or disclose the confidential information, however, for purposes of administration or enforcement of its customs laws or as otherwise provided for under its law, including in an administrative, quasi-judicial, or judicial proceeding. *See* USMCA Article 5.12.1 and 5.12.3. A USMCA country may decline to provide information requested by another USMCA country if it has failed to act to keep information confidential in accordance with its law. *See* USMCA Article 5.12.2. USMCA Article 7.28 extends these confidentiality protections to Section B in USMCA Chapter 7 on cooperation and enforcement. USMCA Article 7.26 governs the exchange of specific confidential information between USMCA countries and sets forth the procedures for USMCA countries to request and provide information that is normally collected in connection with the importation, exportation, or transit of a good for purposes of enforcing or assisting in the enforcement of measures concerning customs offenses.

USMCA Article 7.22 governs the protection of information, related to members of the trade community (traders), received by the USMCA country's customs administration. It requires that each USMCA country's customs administration apply measures governing the collection, protection, use, disclosure, retention, correction, and disposal of information that it collects from traders. *See* USMCA Article 7.22.1. Each USMCA country's customs administration must protect confidential information from use or disclosure, in accordance with its laws, that could prejudice the competitive position of the trader to whom the confidential information relates. *See* USMCA Article 7.22.2. The customs administration may use or disclose confidential information, however, for the purposes of administration or enforcement of its customs laws or as otherwise provided under its law, including in an administrative, quasi-judicial, or judicial proceeding. *See* USMCA Article 7.22.3. The confidentiality provisions as set forth in USMCA Articles 5.12, 7.22, 7.26, and 7.28 apply to all applicable exchanges of confidential information between the USMCA countries, including a USMCA Article 7.27 verification report containing information obtained during a verification, such as data and documents, that is provided when a USMCA country requests another USMCA country conduct a verification in its territory. Additionally, to further

safeguard confidential information, the USMCA allows the importer, exporter, or producer to send information directly to the USMCA country conducting a verification, including documents, to allow the party to protect its proprietary information. *See* USMCA Article 5.9.3.

Several U.S. statutes and regulations govern CBP's treatment and disclosure of confidential information. The exchange of information between USMCA countries is governed by 19 U.S.C. 1628. Section 209(c) of the USMCA Act amended section 628 of the Tariff Act of 1930 (19 U.S.C. 1628) by striking subsection (c) and inserting language applicable to the USMCA in accordance with USMCA Articles 5.12, 7.26, and 7.28. Pursuant to 19 U.S.C. 1628(c), the Secretary may authorize CBP to exchange information with any government agency of a USMCA country if the Secretary reasonably believes the exchange of information is necessary to implement USMCA chapters 2, 4, 5, 6, or 7, and obtains assurances from such agency that the information will be held in confidence and used only for governmental purposes.

The Privacy Act (5 U.S.C. 552a) governs the collection, maintenance, use, and dissemination of personally identifiable information (PII) in systems of records maintained by Federal agencies. PII is defined as information that permits the identity of an individual to be directly or indirectly inferred, including any other information that is linked or linkable to that individual, regardless of whether the individual is a U.S. citizen, lawful permanent resident, visitor to the United States, or employee or contractor of the Department of Homeland Security.

The Freedom of Information Act (FOIA) (5 U.S.C. 552) provides that any person has the right to request access to records from any federal agency. Under FOIA's terms, federal agencies must disclose records upon receiving a written request for them, except for those records or portions of records protected from disclosure by any of the nine exemptions or three exclusions found in the statute.

Part 5 of title 6 of the CFR (6 CFR part 5) governs the disclosure of information created or maintained by CBP and requested pursuant to the FOIA and Privacy Act. Part 103 of title 19 of the CFR (19 CFR part 103) governs the production and disclosure of CBP-maintained information under other statutory or regulatory provisions and/or as requested through administrative and/or legal processes. Accordingly, part 5 of title 6 and part 103 of title 19

apply where the impetus for the release of information to a member of the public by CBP stems from a request from a member of the public, while USMCA-related disclosures involve CBP proactively releasing information to third parties, for example, the importer, exporter, producer, or other USMCA country, to fulfill the United States' commitments under the USMCA. Nonetheless, CBP will maintain the confidentiality and disclosure protections in part 103 for USMCA-related information disclosures, including § 103.23(b) detailing the circumstances where disclosures will not be made and § 103.33 addressing the release of information to foreign agencies.

The Trade Secrets Act (18 U.S.C. 1905) bars the unauthorized disclosure by government officials of any information received in the course of their employment or official duties when such information "concerns or relates to the trade secrets, processes, operations, style of work, or apparatus, or to the identity, confidential statistical data, amount or source of any income, profits, losses, or expenditures of any person, firm, partnership, corporation, or association." See 18 U.S.C. 1905. Specifically, the Trade Secrets Act protects those required to furnish commercial or financial information to the government by shielding them from the competitive disadvantage that could result from disclosure of that information by the government. The courts have interpreted the Trade Secrets Act as covering the same type of information that falls under Exemption 4 of the FOIA. See, e.g., *CNA Fin. Corp. v. Donovan*, 830 F.2d 1132, 1140 (D.C. Cir. 1987). Exemption 4 of the FOIA protects "trade secrets and commercial or financial information obtained from a person [that is] privileged or confidential." See 5 U.S.C. 552(b)(4).

The Trade Secrets Act permits those covered by the Act to disclose protected information when the disclosure is otherwise "authorized by law," which includes both statutes expressly authorizing disclosure and properly promulgated substantive agency regulations authorizing disclosure based on a valid statutory interpretation. See *Chrysler v. Brown*, 441 U.S. 281, 294–316 (1979). For example, 19 U.S.C. 1514(e) grants the Secretary of the Treasury authority to provide, in the case of a negative USMCA determination, the entry number and any other entry information considered necessary to allow the exporter or producer, who is the subject of the determination and completed the certification of origin, to exercise its

protest rights pursuant to 19 CFR part 174, except when there is a pattern of conduct of false or unsupported representations pursuant to 19 U.S.C. 1514(f).

Thus, CBP is adding a new § 182.2 to address CBP's responsibility to maintain the confidentiality of the USMCA-related information it receives from the public in accordance with existing statutory and regulatory requirements, including 19 CFR part 103, 6 CFR part 5, and all other applicable statutes and regulations, the legally permitted disclosures of this information that CBP is authorized to make to third parties and other USMCA countries, and the information sharing that is permissible with U.S. government authorities, including the Department of Labor with respect to the USMCA's labor value content requirements.

Section 182.2 fulfills CBP's commitment under USMCA Article 7.22 to apply measures governing the protection, use, and disclosure of information collected from traders. Section 182.2 is focused on USMCA-related disclosures of information collected from members of the trade community (traders). As discussed in more detail in Section III.F., *Subpart G—Origin Verifications and Determinations* below, the USMCA requires several notifications, unique to the USMCA, that permit authorized disclosures to importers, exporters, or producers of information collected from traders. Under the USMCA and the Uniform Regulations regarding origin procedures, the confidentiality requirements apply when CBP provides a determination of origin, originally issued to the exporter or producer, to the importer in accordance with USMCA Article 5.9.14 and the Uniform Regulations regarding origin procedures.

In order to ensure compliance with the applicable U.S. statutory and regulatory provisions, CBP is also extending the confidentiality regulations in § 182.2 to any of the notifications made during a verification that potentially involve information disclosures to third parties. These include CBP's notification of the initiation of a verification to the importer (§ 182.73(c)), sending a request for information to the exporter or producer prior to issuing a negative determination (§ 182.75(c)(1)), the issuance of a positive or negative determination of origin (§ 182.75), and the issuance of the intent to deny (§ 182.75(c)(3)). Section 182.2(b) also authorizes CBP to disclose confidential information collected from traders to U.S. government authorities responsible for the administration and enforcement

of USMCA requirements, such as the information in the labor value content vehicle certifications to the Department of Labor. The provision that allows the importer, exporter, or producer to send information directly to CBP to protect its proprietary information is set forth in § 182.72(c). See subpart G of part 182.

While § 182.2 is intended to address only USMCA-specific information collections and disclosures, CBP will continue to treat all confidential information received from the public, such as routine entry information, in accordance with existing statutory and regulatory requirements, including the routine uses of the systems of record notices (SORNs) for the trade systems maintained by CBP. As discussed above, the exchange of information between USMCA countries is governed by statutory authority (19 U.S.C. 1628).

Subpart B—Import Requirements

Subpart B of part 182 (19 CFR 182.11–182.16) contains the USMCA import requirement provisions, as provided for in Chapter 5 of the USMCA, including the filing of a claim for preferential tariff treatment upon importation (§ 182.11), certification of origin requirements (§ 182.12), importer obligations (§ 182.13), certification of origin not required (§ 182.14), maintenance of records (§ 182.15), effect of noncompliance, and failure to provide documentation regarding transshipment (§ 182.16).

Section 182.11, *Filing of claim for preferential tariff treatment upon importation*, sets forth the procedure for making a claim for preferential tariff treatment upon importation, the basis for making a claim, and the requirement that the importer correct a claim if it has reason to believe that the claim is based on inaccurate information or is otherwise invalid. In accordance with Article 5.2.1 of the USMCA, an importer may make a claim for USMCA preferential tariff treatment based on a certification of origin completed by the importer, exporter, or producer for the purpose of certifying that a good being exported from the territory of a USMCA country into the territory of another USMCA country qualifies as an originating good. An importer who makes a claim for preferential tariff treatment upon importation, pursuant to § 182.11(b), also qualifies for an exemption from the merchandise processing fee.

Section 182.12, *Certification of Origin*, indicates the requirements for the certification of origin, consistent with Articles 5.2 and 5.3 of the USMCA, including the specifics on what the certification of origin must contain, its

form, its basis, its applicability, and its validity.

Section 182.14, *Certification of origin not required*, sets forth the types of importations, consistent with Article 5.5 of the USMCA, where an importer will not be required to submit a copy of a certification of origin. Unless § 182.14(b) applies, an importer will not be required to submit a copy of a certification of origin for a non-commercial importation of a good; or a commercial importation for which the value of the originating goods does not exceed \$2,500 in U.S. dollars.

Section 182.15, *Maintenance of records*, contains the recordkeeping requirements, in accordance with Article 5.8.1 of the USMCA, that apply to an importer claiming USMCA preferential tariff treatment for a good imported into the United States. The importer must maintain the certification of origin and all records and documents that the importer has demonstrating that the good qualifies for preferential tariff treatment under the USMCA, including those related to transit and transshipment, for a minimum of five years from the date of importation of the good. These records are in addition to any other records that the importer is required to prepare, maintain, or make available to CBP under part 163.

Pursuant to § 182.16(a), if the importer fails to comply with applicable requirements under this subpart, including submission of a complete certification of origin prepared in accordance with §§ 182.12 and 182.14, when requested, CBP may deny preferential tariff treatment to imported goods. In addition, pursuant to § 182.16(b), CBP may deny preferential tariff treatment to an originating good if the good is transported outside the territories of the USMCA countries, and at the request of CBP, the importer of the good does not provide evidence demonstrating to the satisfaction of CBP that the transit and transshipment conditions of the USMCA were met.

Subpart C—Export Requirements

Subpart C of part 182 (19 CFR 182.21) sets forth the obligations of an exporter or producer who completes a certification of origin for a good exported from the United States to Canada or Mexico. These export requirements are in accordance with Article 5.6 of the USMCA. These requirements include the submission of the certification of origin to CBP upon request, and a requirement to provide prompt notification of errors in the certification of origin that could affect its accuracy or validity to every person

to whom the certification was provided, including CBP.

Paragraph (c) of § 182.21 sets forth the recordkeeping requirements, in accordance with Article 5.8.2 of the USMCA, that apply to an exporter or producer who completes a certification of origin or a producer who provides a written representation for a good exported from the United States to Canada or Mexico. These records must be maintained as provided for in 19 CFR 163.5 and must be stored and made available for examination and inspection by the appropriate CBP official in the same manner as provided in part 163. As discussed in Section III.E. Part 163 above, to impose these recordkeeping requirements on the USMCA exporters and producers, CBP had to make conforming amendments to 19 CFR 163.2(c).

Subpart D—Post-Importation Duty Refund Claims

Subpart D of part 182 (19 CFR 182.31–182.33) sets forth the provisions related to post-importation claims for preferential tariff treatment. Under 19 U.S.C. 1520(d), CBP may reliquidate an entry to refund any excess duties paid at importation on a good qualifying for preferential tariff treatment under the rules of origin for certain enumerated trade agreements for which a claim for preferential tariff treatment was not filed at importation (1520(d) claims). Notwithstanding the fact that a valid protest was not filed, and provided a claimant files the required documents as described in 19 CFR 182.32(b), this provision allows the claimant to receive refunds for any excess duties. *See* 19 U.S.C. 1520(d).

Section 182.31 sets forth the right to make this post-importation claim for preferential tariff treatment. Specifically, where a good would have qualified as an originating good when it was imported into the United States but no claim for preferential tariff treatment was made, the importer of that good may file a claim for a refund of any excess duties at any time within one year after the date of importation of the good in accordance with the procedures set forth in § 182.32. CBP may refund any excess duties by liquidation or reliquidation of the entry covering the good in accordance with § 182.33 of this subpart.

As described above, on December 27, 2020, the Appropriations Act was enacted with Title VI of the Act setting forth technical corrections to the USMCA Act. Prior to the enactment of the Appropriations Act and the technical corrections, section 205(a)(1)(C) of the USMCA Act only

permitted an importer who made a claim for USMCA preferential tariff treatment upon importation pursuant to § 182.11(b) to qualify for an exemption from the merchandise processing fee while importers who filed a USMCA post-importation claim under 19 U.S.C. 1520(d) (1520(d) claim) were limited to the refund of any excess duties paid at importation and were specifically excluded from receiving the refund of any merchandise processing fees paid at importation. Section 601(e) of Title VI of the Appropriations Act amended 19 U.S.C. 1520(d) to allow the refund of merchandise processing fees for USMCA post-importation claims. This change is retroactively effective as of July 1, 2020, USMCA's entry into force date, and authorizes CBP to issue refunds of the merchandise processing fees for USMCA post-importation claims.

Subpart E—Restrictions on Drawback and Duty-Deferral Programs

Subpart E of part 182 (19 CFR 182.41–182.54) sets forth the provisions regarding drawback claims and duty-deferral programs, as provided for under Article 2.5 of the USMCA, and applies to any good that is a “good subject to USMCA drawback” within the meaning of 19 U.S.C. 4534. Drawback, as generally provided for in section 313 of the Tariff Act of 1930, as amended (19 U.S.C. 1313), is the refund or remission, in whole or in part, of duties, taxes, and fees imposed and paid under Federal law upon entry or importation.

The requirements and procedures set forth in subpart E for USMCA drawback are in addition to the general definitions, requirements, and procedures for drawback claims set forth in part 190 of title 19 of the CFR, unless otherwise specified. Further, the requirements and procedures of subpart E are also in addition to those for manipulation, manufacturing, and smelting and refining warehouses contained in parts 19 and 144, for foreign trade zones under part 146, and for temporary importations under bond in part 10.

Subpart E contains sections on applicability (§ 182.41), duties and fees not subject to drawback (§ 182.42), eligible goods subject to USMCA drawback (§ 182.43), calculation of drawback (§ 182.44)—which includes the lesser of duty rule for USMCA drawback at § 182.44(a), goods eligible for full drawback (§ 182.45), filing of drawback claim (§ 182.46), completion of claim for drawback (§ 182.47), retention of records (§ 182.49), liquidation and payment of drawback claims (§ 182.50), prevention of

improper payment of claims (§ 182.51), subsequent claims for preferential tariff treatment (§ 182.52), verification of claim for drawback, and waiver or reduction of duties (§ 182.54). Certain sections and paragraphs in subpart E of part 182 remain reserved. CBP is reviewing these reserved sections and paragraphs because of outstanding policy considerations and they will be addressed in a subsequent rulemaking. With the exception of the specific sections discussed below, the USMCA drawback provisions contained in subpart E are substantially similar to the NAFTA drawback provisions contained in part 181.

In § 182.44(d), *Substitution manufacturing drawback under 19 U.S.C. 1313(b)*, CBP is allowing substitution using the 8-digit HTSUS subheading number standard for the USMCA. See 19 U.S.C. 4534(b). This 8-digit HTSUS subheading number standard is the standard previously provided for in section 906, *Drawback and Refunds*, of the Trade Facilitation and Trade Enforcement Act of 2015 (TFTEA) (Pub. L. 114–125, 130 Stat. 122, February 24, 2016). CBP is adding a paragraph (d)(2), *Special rule for sought chemical elements*, in § 182.44, that was not part of NAFTA drawback. This paragraph (d)(2) is intended to clarify the term “same kind and quality” as it applies to sought chemical elements.

The USMCA drawback provisions in § 182.45 include a few differences from NAFTA drawback. In § 182.45, CBP has made changes to paragraph (d), *Certain goods exported to Canada or Mexico*, regarding, *inter alia*, certain sugar tariffs that are excluded from the lesser of duty rule as provided for in 19 U.S.C. 4534(a)(6). In § 182.45, CBP also has added new paragraph (e), *Certain goods exported to Canada*, as provided for in 19 U.S.C. 4534(a)(7) and (a)(8), and a new paragraph (f), *Certain goods that are exported or deemed exported*, as provided for in 19 U.S.C. 4534(a)(3).

The USMCA did not provide for the time or method of filing a USMCA drawback claim. Accordingly, CBP has made conforming changes to the procedures in § 182.46, *Filing of drawback claim*, to better align with the general requirements of part 190, *Modernized Drawback*, as provided for in 19 U.S.C. 1313, as amended. These conforming changes will ensure a more uniform approach to the filing and processing of all drawback claims by requiring claims to be filed within 5 years after the date of importation and to be transmitted electronically in the Automated Commercial Environment (ACE).

Subpart G—Origin Verifications and Determinations

Subpart G of part 182 (19 CFR 182.71–182.76) contains the general USMCA verification and determination of origin provisions, including the applicability of these provisions (§ 182.71), verification of claim for preferential tariff treatment (§ 182.72), notification and response procedures (§ 182.73), verification visit procedures (§ 182.74), determinations of origin (§ 182.75), and repeated false or unsupported preference claims (§ 182.76).

Section 182.71, *Applicability*, states that subpart G contains the general origin verification and determination provisions applicable to goods claiming USMCA preferential tariff treatment. USMCA Articles 5.9 and 5.10 and the Uniform Regulations regarding origin procedures address general verification and determinations of origin.

Additional verification procedures that apply to textile and apparel goods and automotive goods will be set forth in Subpart H, *Textile and Apparel Goods*, and Subpart I, *Automotive Goods*, in part 182. These subparts will be included in a subsequent rulemaking to be published in the **Federal Register** at a later date. Please refer to the CBP website at <https://www.cbp.gov/trade/priority-issues/trade-agreements/free-trade-agreements/USMCA> for more information, including the U.S. USMCA Implementing Instructions, regarding verifications of textile and apparel goods and automotive goods.

Section 182.72, *Verification of claim for preferential tariff treatment*, describes the means that CBP may use to conduct a verification, contains the provisions related to verifications of a material, states that CBP will accept information directly from the importer, exporter, or producer during a verification, and contains the accounting principles that apply to a verification. A claim for USMCA preferential tariff treatment will be subject to such verification as CBP deems necessary. A verification described in subpart G of part 182 may be conducted by a Center of Excellence and Expertise (Center) or by Regulatory Audit and Agency Advisory Services. In accordance with USMCA Article 5.9.2, CBP may initiate the verification of goods imported into the United States under the USMCA with the importer, or with the exporter or producer who completed the certification of origin.

A verification of a claim for USMCA preferential tariff treatment may be conducted by means of one or more of the following: Requests for information, including documents, from the

importer, exporter, or producer; questionnaires seeking information, including documents, from the importer, exporter, or producer; verification visits to the premises of the exporter or producer in Mexico or Canada in order to request information, including documents, and to observe production processes and facilities; and any other procedure to which the USMCA countries may agree.

As described in § 182.72(b), when conducting a verification of a good imported into the United States, CBP may conduct a verification of the material that is used in the production of that good. A verification of a material producer may be conducted pursuant to any of the verification means set forth in § 182.72(a). Please note that CBP believes that the term “material producer” and our application of the verification of materials in part 182 to be sufficiently broad to encompass a verification of either a material producer or a material supplier. CBP encourages public comment on this issue, including whether a material supplier should be separately accounted for in the regulations. In accordance with the Uniform Regulations regarding origin procedures,⁷ with the exception of the notification to the importer of the initiation of a verification (§ 182.73(c)) and the determination of origin provisions (§ 182.75), subpart G applies when CBP is conducting a verification of a material.

Section 182.73, *Notification and response procedures*, contains the notification and response procedures for requests for information, questionnaires, and verification visits. Paragraph (a) specifies the contents of a request for information and a questionnaire, in accordance with USMCA Article 5.9.5, and that the importer, exporter, or producer must make records available for inspection by a CBP official during a verification. Paragraph (b) states that, prior to conducting a verification visit in Canada or Mexico, CBP will provide the exporter or producer with a notification stating the intent to conduct a verification visit, and provides the contents of that notification in

⁷ See Uniform Regulations regarding origin procedures, Origin Verifications Section, paragraph 10, which states that where the customs administration of a USMCA country, in conducting an origin verification of a good imported into its territory under USMCA Article 5.9, conducts an origin verification of a material that is used in the production of the good, the origin verification of that material is expected to be conducted in accordance with the procedures set out in: USMCA Article 5.9(1), (5), (7 through 11), (13), and (18); and paragraphs 3, 6, 13, 14, and 15 of the Origin Verifications Section of the Uniform Regulations regarding origin procedures.

accordance with USMCA Article 5.9.5. Paragraph (c) sets forth the importer notification that is required, pursuant to USMCA Article 5.9.6 and the Uniform Regulations regarding origin procedures, when CBP initiates a verification with the exporter or producer. Paragraph (d) provides the means of communication that CBP may use to contact the exporter or producer. In accordance with USMCA Article 5.9.18, all communication to the exporter or producer will be sent by any means that can produce a confirmation of receipt, with the Uniform Regulations regarding origin procedures specifying the specific means. Paragraph (e) contains information regarding when the time periods in subpart G begin, and paragraph (f) sets forth the amount of time that the importer, exporter, or producer has to respond to a request for information and a questionnaire, and that an exporter or producer has to consent to or deny the verification visit.

Section 182.74, *Verification visit procedures*, sets forth the verification visit procedures applicable to CBP when it is conducting a verification visit of an exporter or producer in Canada or Mexico. CBP may conduct a verification visit of the exporter or producer's premises in-person or remotely. The same verification visit procedures apply to both in-person and remote verification visits, including the notification of a verification visit to the exporter or producer whose premises are to be visited (§ 182.73(b)), the response time for responding to a notification of a verification visit (§ 182.73(f)(2)), the written consent required prior to the verification visit (§ 182.74(a)), the option to request a postponement of the visit (§ 182.74(b)), the records that must be made available for inspection by a CBP official conducting the verification, the facilities provided for that inspection (§ 182.74(c)), and the right to have observers (§ 182.74(d)).

Section 182.75, *Determinations of origin*, sets forth the contents of a determination of origin and the parties that will receive the determination of origin. While USMCA Article 5.9.14 only requires that a USMCA country provide a written determination of origin to the importer, and the exporter or producer that completed the certification of origin and is the subject of a verification, CBP has decided to extend the parties to whom it will issue a determination of origin. As stated in § 182.75(b), CBP will issue the determination of origin to the importer, and to the exporter or producer who is subject to the verification and either completed the certification of origin or

provided information directly to CBP during the verification to ensure that the same parties receive both the intent to deny and the determination of origin. This determination of origin will be issued to these parties within 120 days or, in exceptional cases and upon notification to the appropriate parties, within 210 days, after CBP has determined that it has received all the information necessary to issue a determination in accordance with USMCA Article 5.9.15.

USMCA Article 5.9.15 requires the USMCA country conducting the verification to, as expeditiously as possible and within 120 days after it has received all the information necessary (including any information collected pursuant to a verification request to an exporter or producer) to make the determination and provide the written determination to the appropriate parties. The Uniform Regulations regarding origin procedures further clarify that "all the information necessary" includes information that may be required regarding the materials used in the production of a good or any assistance requested under USMCA Article 5.9.8 during a verification from another USMCA country. Pursuant to USMCA Article 5.9.15, the USMCA country may extend this 120-day period, in exceptional cases, for up to 90 days after notifying the importer, and any exporter or producer who is subject the verification or provided information during the verification. CBP has decided to provide this notification of the extension to all parties to whom it will issue a determination of origin pursuant to 19 CFR 182.75(b), including to the exporter or producer who is subject to the verification and either completed the certification of origin or provided information directly to CBP during the verification.

Paragraph (c) of § 182.75 contains the provisions that apply to negative determinations of origin when CBP intends to deny USMCA preferential tariff treatment. This paragraph sets forth the circumstances under which CBP must send a request for information to the exporter or producer prior to issuing a negative determination in accordance with USMCA Article 5.9.4, the reasons that CBP may deny preferential tariff treatment, the intent to deny provision, and the additional requirements that apply when CBP issues a negative determination. Paragraph (c)(2) contains the reasons that CBP may deny USMCA preferential tariff treatment as set forth in USMCA Article 5.10.2. CBP will amend paragraph (c)(2) in a subsequent rulemaking to be published in the

Federal Register at a later date to reflect the application of the USMCA Article 5.10.2 reasons for denial to textile and apparel goods and automotive goods and to ensure that paragraph (c)(2) contains a comprehensive list of the reasons for denial with the appropriate cross-references.

As described above, pursuant to USMCA Article 5.9.16, prior to issuing a written determination of origin, if the USMCA country intends to deny USMCA preferential tariff treatment, the USMCA country must inform the importer, and any exporter or producer who is subject to the verification and provided information during the verification, of the preliminary results of the verification and provide those persons with a notice of intent to deny. Paragraph (c)(3) of § 182.75 contains the intent to deny provision, including that CBP will inform the importer, and the exporter or producer who is subject to the verification and either completed the certification of origin or provided information directly to CBP during the verification, of CBP's intent to deny preferential tariff treatment. As discussed above, CBP has decided to extend the parties who receive an intent to deny, beyond the requirements in USMCA Article 5.9.16, to ensure that the same parties receive the intent to deny and the determination of origin. The intent to deny will contain the preliminary results of the verification, the effective date of the denial of preferential tariff treatment, and a notice to the importer, exporter, or producer that CBP will provide 30 days to submit additional information, including documents, related to the preferential tariff treatment of the good. Pursuant to paragraph (c)(4), if, 30 days after the importer receives the intent to deny, CBP determines that one or more of the reasons for the denial of preferential tariff treatment continues to apply, CBP will issue a negative determination of origin. In addition to the contents of the determination set forth in § 182.75(a), a negative determination of origin will provide the exporter or producer with the information necessary to file a protest as provided for in 19 U.S.C. 1514(e) and part 174, unless CBP determines that there is a pattern of conduct of false or unsupported representations pursuant to § 182.76. Pursuant to 19 U.S.C. 1514(e), CBP is authorized to provide exporters or producers who receive a negative determination of origin with the entry number and any other entry information considered necessary to allow the exporter or producer to exercise its protest rights under 19 U.S.C. 1514 and

part 174, unless CBP determines that there is a pattern of conduct of false or unsupported representations pursuant to 19 U.S.C. 1514(f). CBP will be amending part 174 to allow exporters and producers to exercise their protest rights in a subsequent rulemaking to be published in the **Federal Register** at a later date.

Section 182.76, *Repeated false or unsupported preference claims*, states that, in accordance with USMCA Article 5.9.17, if a verification reveals a pattern of conduct by the importer, exporter, or producer of false or unsupported representations that a good imported into the United States qualifies for USMCA preferential tariff treatment, CBP may withhold preferential tariff treatment for entries of identical goods until CBP determines that representations of that person are in conformity with part 182 and with General Note 11, HTSUS.

As explained in more detail above in Section III.F., *Subpart A—General Provisions*, CBP has a duty to ensure the protection of confidential business information. In order to ensure compliance with the applicable U.S. statutory and regulatory provisions, CBP has decided to apply the confidentiality regulations in § 182.2 to any of the notifications made during a verification that potentially involve information disclosures to third parties. These include CBP's notification of the initiation of a verification to the importer (§ 182.73(c)), sending a request for information to the exporter or producer prior to issuing a negative determination (§ 182.75(c)(1)), the issuance of a positive or negative determination of origin (§ 182.75), and the issuance of the intent to deny (§ 182.75(c)(3)). The provision that allows the importer, exporter, or producer to send information directly to CBP to protect its proprietary information is set forth in § 182.72(c).

Subpart I—Automotive Goods

Subpart I of part 182 pertains to automotive goods. The regulations in subpart I, which are currently reserved as §§ 182.91–182.93, may be more expansive than previously anticipated. To allow for this possibility, the numbering structure of the regulations in subpart J has been modified, as explained below. The actual text of the subpart I regulations will be included in a subsequent rulemaking to be published in the **Federal Register** at a later date.

Subpart J—Commercial Samples and Goods Returned After Repair or Alteration

Subpart J (19 CFR 182.111–182.112) provides for the duty-free treatment of commercial samples of negligible value and goods re-entered after repair or alteration in Canada or Mexico. The regulations in subpart J, which were previously reserved as § 182.101 and § 182.102, are redesignated as § 182.111 and § 182.112 due to changes in the numbering structure of subpart I of part 182, discussed above.

Commercial Samples

Section 182.111 defines *commercial samples of negligible value*, based on Article 2.1 of the USMCA, as commercial samples which have a value, individually or in the aggregate as shipped, of not more than one U.S. dollar, or the equivalent amount in the currency of Canada or Mexico; or which are so marked, torn, perforated, or otherwise treated that they are unsuitable for sale or for use except as commercial samples. These commercial samples of negligible value qualify for duty-free entry from Canada or Mexico, in accordance with Article 2.9 of the USMCA, only if the samples are imported solely for the purpose of soliciting orders for foreign goods or services.

Goods Re-Entered After Repair or Alteration in Canada or Mexico

Section 182.112 sets forth the rules that apply for purposes of obtaining duty-free treatment on goods returned after repair or alteration in Canada or Mexico. This section also contains the conditions under which these goods are not eligible for duty-free treatment and provides the documentation requirements. The documentary requirements set forth in § 10.8(a), (b), and (c) apply to goods claiming duty-free treatment under § 182.112. While CBP is aware that under ordinary circumstances § 10.8 applies to articles claimed to be subject to duty on the value of the repairs or alterations performed abroad, for purposes of the USMCA, the same documentation requirements in § 10.8(a), (b), and (c) apply in connection with the entry of goods returned after repairs or alterations from Canada or Mexico which are claimed to be duty-free under the USMCA.

Subpart K—Penalties

Subpart K of part 182 (19 CFR 182.121–182.124) sets forth penalties provisions, including those related to general penalties under the USMCA (§ 182.121), corrected claim or

certification of origin by importers (§ 182.122), corrected certification of origin by U.S. exporters or producers (§ 182.123), and the framework for correcting claims or certifications of origin (§ 182.124). The regulations in subpart K, which were previously reserved as §§ 182.111–182.114, are redesignated as §§ 182.121–182.124 due to changes in the numbering structure of subparts I and J of part 182, as discussed above. These provisions are in accordance with Articles 5.13, 5.4.2, 5.6.3, and 7.18 of the USMCA.

As stated in § 182.121, except as otherwise provided in subpart K, all criminal, civil, or administrative penalties which may be imposed on U.S. importers, exporters, and producers for violations of the customs and related U.S. laws and regulations will also apply to U.S. importers, exporters, and producers for violations of the U.S. laws and regulations relating to the USMCA. An importer who makes a corrected claim or certification of origin, and an exporter or producer who provides written notification of an incorrect certification of origin will not be subject to civil or administrative penalties under 19 U.S.C. 1592 if the corrected claim, certification of origin, or written notification is made promptly and voluntarily. Section 182.124, *Framework for correcting claims or certifications of origin*, defines “promptly and voluntarily” for these purposes, provides that in cases involving fraud or subsequent incorrect claims a person may not voluntarily correct a claim or certification of origin, sets forth the requirements for the statement that must accompany each corrected claim or certification of origin, and requires that a U.S. importer who makes a corrected claim must tender any actual loss of duties and merchandise processing fees, if applicable.

G. Part 190

Part 190, *Modernized Drawback*, sets forth the general provisions applicable to all drawback claims and specialized provisions applicable to specific types of drawback claims filed under 19 U.S.C. 1313, as amended. CBP is amending part 190 to make conforming edits to include USMCA drawback claims. The scope provision in § 190.0 is amended to clarify that additional drawback provisions relating to the USMCA are contained in subpart E of part 182. Section 190.0a addresses claims filed under NAFTA and CBP is amending the paragraph heading of § 190.0a to reflect that this section is applicable to claims filed under both NAFTA and the USMCA. Section 190.0a

is also amended to clarify that USMCA drawback claims filed under the provisions of part 182 must be filed separately from claims filed under the provisions of part 190 (currently it only lists NAFTA drawback claims filed under part 181). And lastly, § 190.51 provides the process for completion of drawback claims and CBP is making conforming changes such as referencing the USMCA and part 182 to indicate that the same process is used for both NAFTA drawback and USMCA drawback claims.

IV. Statutory and Regulatory Requirements

A. Administrative Procedure Act

Under section 553 of the Administrative Procedure Act (APA) (5 U.S.C. 553), agencies generally are required to publish a notice of proposed rulemaking in the **Federal Register** that solicits public comment on the proposed regulatory amendments, consider public comments in deciding on the content of the final amendments, and publish the final amendments at least 30 days prior to their effective date. This rule is exempt from APA rulemaking requirements pursuant to 5 U.S.C. 553(a)(1) as a foreign affairs function of the United States because it is promulgating several of the U.S. domestic regulations necessary to implement the preferential tariff treatment and customs related provisions of the USMCA, which is a trilateral agreement negotiated between the United States, Mexico, and Canada. However, CBP is soliciting comments on this IFR and will consider all comments received before issuing a final rule.

For the same reasons, a delayed effective date is not required under 5 U.S.C. 553(d)(3). The USMCA entered into force on July 1, 2020. CBP provided guidance to the public on how to comply with the requirements of the USMCA by posting on the CBP website, available at <https://www.cbp.gov/trade/priority-issues/trade-agreements/free-trade-agreements/USMCA>, the U.S. USMCA Implementing Instructions, which were issued on March 25, 2020 and updated on June 30, 2020. The provisions of this IFR codify several of these Implementing Instructions. A delayed effective date would cause additional confusion and would be impractical, unnecessary, and contrary to public interest.

B. Executive Orders 13563 and 12866

Executive Orders 13563 and 12866 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 (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.

Rules involving the foreign affairs function of the United States are exempt from the requirements of Executive Orders 13563 and 12866. Because this rule involves a foreign affairs function of the United States by implementing a trilaterally negotiated agreement between the United States, Mexico, and Canada, this rule is not subject to the provisions of Executive Orders 13563 and 12866.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), as amended by the Small Business Regulatory Enforcement and Fairness Act of 1996, requires an agency to prepare and make available to the public a regulatory flexibility analysis that describes the effect of a proposed rule on small entities (*i.e.*, small businesses, small organizations, and small governmental jurisdictions) when the agency is required to publish a general notice of proposed rulemaking for a rule. Since a notice of proposed rulemaking is not necessary for this rule, CBP is not required to prepare a regulatory flexibility analysis for this rule.

D. Paperwork Reduction Act

The collection of information in this document has been approved by OMB in accordance with the Paperwork Reduction Act (44 U.S.C. 3507) under OMB control numbers 1651–0117, 1651–0098, and 1651–0023. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by OMB. The collections of information and recordkeeping requirements related to this rule have been approved by OMB under an emergency revision and extension of collection number 1651–0117 (Free Trade Agreements), an emergency revision of collection number 1651–0098 (NAFTA Regulations and Certificate of Origin), and an emergency revision and extension of collection number 1651–0023 (CBP Form 28 Request For Information). The revision of collection number 1651–0117 is necessary for CBP to collect the information needed to implement the USMCA. The revision of collection

number 1651–0023 is necessary to reflect an increase in burden hours due to the use of CBP Form 28 for an additional purpose: Requesting additional information needed for enforcing the USMCA. The revision of collection number 1651–0098 is necessary to reflect the reduction in burden hours that results from the USMCA superseding NAFTA and the repeal of the NAFTA Implementation Act, as of the USMCA's entry into force date of July 1, 2020. Importers, who did not claim preferential tariff treatment at the time of importation, have one year from the date of importation of the originating goods to file post-importation claims. These importers may need to use the NAFTA Certificate of Origin to file a post-importation claim for goods from Canada and Mexico entered for consumption, or withdrawn from warehouse for consumption, prior to July 1, 2020 during that one-year time period. Once one year has elapsed, CBP will discontinue this information collection. The likely respondents for these information collections are importers, exporters, producers, and customs brokers.

The information collection requirements will result in the following estimated burden hours:

Free Trade Agreements

Estimated Number of Annual Respondents: 4,699,460.

Estimated Number of Annual Responses per Respondent: 1.00034.

Estimated Total Annual Responses: 4,701,060.

Estimated Time per Response: 2 hours.

Estimated Total Annual Burden Hours: 9,402,120.

NAFTA Certificate of Origin

Estimated Number of Annual Respondents: 13,000.

Estimated Number of Annual Responses per Respondent: 1.

Estimated Total Annual Responses: 13,000.

Estimated Time per Response: 2 hours.

Estimated Total Annual Burden Hours: 26,000.

NAFTA Questionnaire

Estimated Number of Annual Respondents: 400.

Estimated Number of Annual Responses per Respondent: 1.

Estimated Total Annual Responses: 400.

Estimated Time per Response: 2 hours.

Estimated Total Annual Burden Hours: 800.

NAFTA Motor Vehicle Averaging Election

Estimated Number of Annual Respondents: 11.

Estimated Number of Annual Responses per Respondent: 1.28.

Estimated Total Annual Responses: 14.

Estimated Time per Response: 1 hour.

Estimated Total Annual Burden Hours: 14.

CBP Form 28 Request for Information

Estimated Number of Annual Respondents: 62,000.

Estimated Number of Annual Responses per Respondent: 1.

Estimated Total Annual Responses: 62,000.

Estimated Time per Response: 2 hours.

Estimated Total Annual Burden Hours: 124,000.

Comments concerning the collection of information and the accuracy of the estimated annual burden, and suggestions for reducing that burden, should be directed to the Office of Management and Budget, Attention: Desk Officer for Customs and Border Protection, Department of Homeland Security, Office of Information and Regulatory Affairs, Washington, DC 20503. A copy should also be sent to the Trade and Commercial Regulations Branch, Regulations and Rulings, U.S. Customs and Border Protection, 90 K Street NE, 10th Floor, Washington, DC 20229-1177. Comments are specifically welcome on (a) whether the proposed collection of information is necessary for the proper performance of the mission of the agencies, and whether the information will have practical utility; (b) the accuracy of the estimate of the burden of the collections of information; (c) ways to enhance the quality, utility, and clarity of the information collection; (d) ways to minimize the burden of the information collection, 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 maintain the information. Comments should be received on or before September 7, 2021.

V. Signing Authority

This rulemaking is being issued in accordance with 19 CFR 0.1(a)(1), pertaining to the authority of the Secretary of the Treasury (or that of his or her delegate) to approve regulations related to certain customs revenue functions.

List of Subjects

19 CFR Part 10

Bonds, Exports, Imports, Reporting and recordkeeping requirements, Trade agreements.

19 CFR Part 102

Canada, Mexico, Reporting and recordkeeping requirements, Trade agreements.

19 CFR Part 132

Imports.

19 CFR Part 134

Labeling, Packaging and containers.

19 CFR Part 163

Administrative practice and procedure, Exports, Imports, Penalties, Reporting and recordkeeping requirements.

19 CFR Part 182

Administrative practice and procedure, Canada, Exports, Mexico, Reporting and recordkeeping requirements, Trade agreements.

19 CFR Part 190

Alcohol and alcoholic beverages, Claims, Exports, Foreign trade zones, Guantanamo Bay Naval Station, Cuba, Packaging and containers, Reporting and recordkeeping requirements, Trade agreements.

For the reasons stated above, amend parts 10, 102, 132, 134, 163, 182, and 190 of title 19 of the Code of Federal Regulations as set forth below.

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

■ 1. The general authority citation for part 10 is revised to read as follows:

Authority: 19 U.S.C. 66, 1202 (General Note 3(i), Harmonized Tariff Schedule of the United States (HTSUS)), 1321, 1481, 1484, 1498, 1508, 1623, 1624, 4513.

§ 10.8 [Amended]

■ 2. In § 10.8(a)(2) amend the declaration by adding the words “(unless subject to USMCA drawback)” after the words “without the benefit of drawback.”

PART 102—RULES OF ORIGIN

■ 3. The general authority citation for part 102 is revised to read as follows:

Authority: 19 U.S.C. 66, 1202 (General Note 3(i), Harmonized Tariff Schedule of the United States), 1624, 3592, 4513.

§ 102.0 [Amended]

■ 4. Amend § 102.0 as follows:

- a. In the beginning of the second sentence, remove the word “These” and add in its place the words “Under NAFTA, these”; and
- b. Add a new third sentence.

The addition reads as follows:

§ 102.0 Scope. * * * The rules set forth in §§ 102.1 through 102.18 and 102.20 also determine the country of origin for marking purposes of imported goods under the Agreement Between the United States of America, the United Mexican States, and Canada (USMCA). * * *

* * * * *

■ 5. In § 102.1:

- a. Paragraph (a) is amended by removing the reference to “(m)(5), (m)(6), and (m)(7)” and adding in its place the reference to “(n)(5), (n)(6), and (n)(7)”;
- b. Paragraph (i) is amended by removing the reference to “(m)(5), (m)(6), and (m)(7)” and adding in its place the reference to “(n)(5), (n)(6), and (n)(7)”;
- c. Paragraphs (l) through (p) are redesignated as paragraphs (m) through (q);
- d. A new paragraph (l) is added;
- e. In redesignated paragraph (q)(1), add the words “under NAFTA” after the word “good”;
- f. In redesignated paragraph (q)(2), add the words “under NAFTA” after the word “material”; and
- g. Add paragraph (q)(3).

The additions read as follows:

§ 102.1 Definitions.

* * * * *

(l) *Inventory management method.* “Inventory management method” means:

- (1) Averaging;
- (2) “Last-in, first-out;”
- (3) “First-in, first-out;” or
- (4) Any other method that is

recognized in the Generally Accepted Accounting Principles (GAAP) of the country in which the production is performed or is otherwise accepted by that country.

* * * * *

(q) * * *

(3) In the case of a good or material under the USMCA, its customs value or transaction value within the meaning of Appendix A to part 182 of this chapter.

§ 102.11 [Amended]

■ 6. Amend § 102.11(b)(2) by removing the phrase “provided under the appendix to part 181 of this chapter”.

§ 102.12 [Amended]

■ 7. Amend § 102.12(b) by removing the phrase “provided under the appendix to part 181 of the Customs Regulations”.

§ 102.19 [Amended]

■ 8. In § 102.19, add paragraph (c) to read as follows:

§ 102.19 NAFTA preference override.

* * * * *

(c) Paragraphs (a) and (b) of this section apply only to goods entered for consumption, or withdrawn from warehouse for consumption, prior to July 1, 2020.

PART 132—QUOTAS

■ 9. The general and specific authority citations for part 132 continue to read as follows:

Authority: 19 U.S.C. 66, 1202 (General Note 3(i), Harmonized Tariff Schedule of the United States (HTSUS)), 1623, 1624.

Sections 132.15, 132.17, and 132.18 also issued under 19 U.S.C. 1202 (additional U.S. Note 3 to Chapter 2, HTSUS; additional U.S. Note 8 to Chapter 17, HTSUS; and subchapter II of Chapter 99, HTSUS, respectively), 1484, 1508.

§ 132.17 [Amended]

■ 10. Amend § 132.17 by revising the first sentence of paragraph (a) to read as follows:

(a) * * * For sugar-containing products defined in 15 CFR 2015.2(a), and as described in paragraph 15 of Appendix 2, Tariff Schedule of the United States—(Tariff Rate Quotas), to Annex 2–B of Chapter 2 of the Agreement Between the United States of America, the United Mexican States, and Canada (USMCA), for which preferential tariff treatment is claimed under the USMCA, and that are products of a participating country, as defined in 15 CFR 2015.2(e), the importer must possess a valid export certificate in order to claim the in-quota tariff rate of duty on the products at the time they are entered or withdrawn from warehouse for consumption. * * *

* * * * *

PART 134—COUNTRY OF ORIGIN MARKING

■ 11. The general authority citation for part 134 continues to read as follows:

Authority: 5 U.S.C. 301; 19 U.S.C. 66, 1202 (General Note 3(i), Harmonized Tariff Schedule of the United States), 1304, 1624.

■ 12. Amend § 134.1 as follows:

- a. Revise the second sentence of paragraph (b);
- b. In paragraph (d), add the words “or USMCA” after the words “good of a NAFTA” each place it appears and remove the words “NAFTA Marking Rules” each place they appear and add in their place the words “part 102 Rules”;

■ c. In paragraph (g):

- i. Add the words “or USMCA” after the term “NAFTA” in the paragraph heading;
- ii. Add the words “or USMCA” after the words “good of a NAFTA”; and
- iii. Remove the words “NAFTA Marking Rules” and add in their place the words “part 102 Rules”;
- e. Add a second sentence to paragraph (h);
- f. Revise paragraph (i);
- g. Revise paragraph (j); and
- h. Add paragraph (l).

The revisions and additions read as follows:

§ 134.1 Definitions.

* * * * *

(b) * * * Further work or material added to an article in another country must effect a substantial transformation in order to render such other country the “country of origin” within the meaning of this part; however, for a good of a NAFTA or USMCA country, the marking rules set forth in part 102 of this chapter (hereinafter referred to as the part 102 Rules) will determine the country of origin.

* * * * *

(h) * * * NAFTA is not applicable to goods entered for consumption, or withdrawn from warehouse for consumption, on or after July 1, 2020.

(i) *NAFTA or USMCA country.* “NAFTA or USMCA country” means the territory of the United States, Canada or Mexico, as defined in Annex 201.1 of NAFTA and Chapter 1, Section C of the USMCA.

(j) *Part 102 Rules.* “Part 102 Rules” are the rules promulgated for purposes of determining whether a good is a good of a NAFTA country, as set forth in part 102 of this chapter. The rules also apply to determine the country of origin for marking purposes for goods imported under the USMCA.

* * * * *

(l) *USMCA.* “USMCA” means the Agreement Between the United States of America, the United Mexican States, and Canada (USMCA), entered into force by the United States, Canada and Mexico on July 1, 2020.

§ 134.22 [Amended]

■ 13. Amend § 134.22 as follows:

- a. In paragraph (b), add the words “or USMCA” after the term “NAFTA”;
- b. In paragraph (d)(2):
- i. Add the words “or USMCA” after the term “NAFTA” in the paragraph heading; and
- ii. Add the words “or USMCA” after the term “NAFTA” in the first sentence; and

■ c. In paragraph (e)(1), add the words “or USMCA” after the term “NAFTA”.

§ 134.23 [Amended]

■ 14. Amend § 134.23(a) by adding the words “or USMCA” after the term “NAFTA” in the first sentence.

§ 134.24 [Amended]

■ 15. Amend § 134.24 by adding the words “or USMCA” after the term “NAFTA” each place it appears.

§ 134.32 [Amended]

■ 16. Amend § 134.32 as follows:

- a. In paragraph (h), add the words “or USMCA” after the term “NAFTA”;
- b. In paragraph (p), add the words “or USMCA” after the term “NAFTA”; and
- c. In paragraph (q), add the words “or USMCA” after the term “NAFTA”.

§ 134.35 [Amended]

■ 17. Amend § 134.35 as follows:

- a. In paragraph (a), add the words “or USMCA” after the term “NAFTA” in the paragraph heading;
- b. In paragraph (b):
- i. Add the words “or USMCA” after the term “NAFTA” in the paragraph heading;
- ii. Add the words “or USMCA” after the words “goods of a NAFTA” in the first sentence; and
- iii. Remove the words “NAFTA Marking Rules” and add in their place the words “part 102 Rules”.

§ 134.43 [Amended]

■ 18. Amend § 134.43 by adding the words “or USMCA” after the term “NAFTA” in each place it appears.

§ 134.45 [Amended]

■ 19. Amend § 134.45(a)(2) by adding the words “or USMCA” after the term “NAFTA”.

PART 163—RECORDKEEPING

■ 20. The general and specific authority citations for part 163 continue to read as follows:

Authority: 5 U.S.C. 301; 19 U.S.C. 66, 1484, 1508, 1509, 1510, 1624.

Section 163.2 also issued under 19 U.S.C. 3904, 3907.

§ 163.0 [Amended]

■ 21. Amend § 163.0 as follows:

- a. Add the words “and the Agreement Between the United States of America, the United Mexican States, and Canada (USMCA)” after the words “North American Free Trade Agreement”;
 - b. Add the words “and 182” after the number “181”.
- 22. Amend § 163.2(c) by:

- a. Adding the words “*and producers*” after the word “*exporters*” in the paragraph heading;
- b. Redesignating paragraph (c)(2) as paragraph (c)(3);
- c. Adding a new paragraph (c)(2).
The addition reads as follows:

§ 163.2 Persons required to maintain records.

* * * * *

(c) * * *

(2) *USMCA*. Any exporter or producer who completes a certification of origin or a producer who provides a written representation for a good exported from the United States to Canada or Mexico pursuant to the Agreement Between the United States of America, the United Mexican States, and Canada (USMCA) must maintain records in accordance with part 182 of this chapter.

* * * * *

PART 182—UNITED STATES-MEXICO-CANADA AGREEMENT

- 23. The general and specific authority citations for part 182 are revised to read as follows:

Authority: 19 U.S.C. 66, 1202 (General Note 3(i) and General Note 11, Harmonized Tariff Schedule of the United States (HTSUS)), 1624, 4513, 4535;

Section 182.1 also issued under 19 U.S.C. 4502;

Subpart D also issued under 19 U.S.C. 1520(d);

Subpart E also issued under 19 U.S.C. 4534;

Subpart 182.61 also issued under 19 U.S.C. 4531, 4532;

Subpart G also issued under 19 U.S.C. 4533.

Subpart A—General Provisions

- 24. Add § 182.1 to read as follows:

§ 182.1 General definitions.

The definitions applicable to rules of origin are contained in Appendix A. This section sets forth the general definitions used throughout this part. As used in this part, the following terms will have the meanings indicated unless either the context in which they are used requires a different meaning or a different definition is prescribed for a particular section of this part:

Canada, when used in a geographical rather than governmental context, means the “Territory” of Canada as defined in Appendix A to this part;

Claim for preferential tariff treatment means a claim that a good is entitled to the customs duty rate applicable under the USMCA to an originating good and to an exemption from the merchandise processing fee;

Commercial importation means the importation of a good into the United States, Canada, or Mexico for the purpose of sale, or any commercial, industrial, or other like use.

Customs duty includes a duty or charge of any kind imposed on or in connection with the importation of a good, and any surtax or surcharge imposed in connection with such importation, but does not include any:

(1) Charge equivalent to an internal tax imposed consistently with Article III:2 of the GATT 1994;

(2) Fee or other charge in connection with the importation commensurate with the cost of services rendered;

(3) Antidumping or countervailing duty; and

(4) Premium offered or collected on an imported good arising out of any tendering system in respect of the administration of quantitative import restrictions, tariff-rate quotas, or tariff preference levels;

Customs Valuation Agreement means the Agreement on Implementation of Article VII of the *General Agreement on Tariffs and Trade 1994*, set out in Annex 1A to the WTO Agreement;

Days means calendar days, and includes Saturdays, Sundays and holidays;

Enterprise means an entity constituted or organized under applicable law, whether or not for profit, and whether privately-owned or governmentally-owned or controlled, including a corporation, trust, partnership, sole proprietorship, joint venture, association or similar organization;

Exporter means an exporter located in the territory of a USMCA country and an exporter required under this part to maintain records regarding exportations of a good;

GATT 1994 means the *General Agreement on Tariffs and Trade 1994*, set out in Annex 1A to the WTO Agreement;

Goods means merchandise, product, article, or material;

Goods of a USMCA country means domestic products as these are understood in the GATT 1994 or such goods as the USMCA country may agree, and includes originating goods of a USMCA country;

HTSUS means the Harmonized Tariff Schedule of the United States as promulgated by the U.S. International Trade Commission;

Identical goods means goods that are the same in all respects, including physical characteristics, quality, and reputation, irrespective of minor differences in appearance that are not

relevant to a determination of origin of those goods;

Importer means an importer located in the territory of a USMCA country and an importer required under this part to maintain records regarding importations of a good;

Indirect material means a material used or consumed in the production, testing, or inspection of a good but not physically incorporated into the good, or a material used or consumed in the maintenance of buildings or the operation of equipment associated with the production of a good, including:

(1) Fuel and energy,

(2) Tools, dies, and molds,

(3) Spare parts and materials used or consumed in the maintenance of equipment or buildings,

(4) Lubricants, greases, compounding materials and other materials used or consumed in production or used to operate equipment or buildings,

(5) Gloves, glasses, footwear, clothing, safety equipment, and supplies,

(6) Equipment, devices and supplies used or consumed for testing or inspecting the goods,

(7) Catalysts and solvents, and

(8) Any other material that is not incorporated into the good but if the use in the production of the good can reasonably be demonstrated to be a part of that production;

Material means a good that is used in the production of another good, and includes a part or ingredient;

Mexico, when used in a geographical rather than governmental context, means the “Territory” of Mexico as defined in Appendix A to this part;

Originating, when used with regard to a good or material, means a good or material qualifying as originating under the rules of origin set forth in General Note 11, HTSUS, and in Appendix A to this part;

Person means a natural person or an enterprise;

Post-importation duty refund claim means a claim filed by the importer of a good for a refund of any excess customs duties at any time within one year after the date of importation of the good where the good would have qualified as an originating good when it was imported into the United States but no claim for preferential tariff treatment was made.

Preferential tariff treatment means the customs duty rate applicable under the USMCA to an originating good;

Producer means a person who engages in the production of a good;

Series of importations means two or more customs entries covering a good arriving the same day from the same exporter and consigned to the same person;

United States, when used in a geographical rather than governmental context, means the territory of the United States as defined in Appendix A to this part;

Used means used or consumed in the production of a good;

USMCA means the Agreement between the United States of America, the United Mexican States, and Canada, entered into force by the United States, Canada and Mexico on July 1, 2020.

USMCA country means a Party to the USMCA;

Value means the value of a good or material for the purpose of calculating customs duties or for the purpose of applying this part;

WTO means the World Trade Organization; and

WTO Agreement means the Marrakesh Agreement Establishing the World Trade Organization done at Marrakesh on April 15, 1994.

■ 25. Add § 182.2 to subpart A to read as follows:

§ 182.2 Confidentiality.

(a) *Maintaining confidentiality.* Subject to paragraph (b) of this section, CBP must maintain the confidentiality of the information that it receives from the public when the information is considered trade secrets under the Trade Secrets Act (18 U.S.C. 1905), personally identifiable information under the Privacy Act (5 U.S.C. 552a), or privileged or confidential commercial or financial information. This information must be maintained as confidential in accordance with part 103 of this chapter, 6 CFR part 5, and all other applicable statutes and regulations.

(b) *Authorized disclosures.* CBP may only disclose the confidential information in paragraph (a) of this section to third parties and to other USMCA countries for purposes of administration or enforcement of the customs laws or if otherwise authorized by law, and pursuant to the routine uses of the systems of record notices (SORNs) for the trade systems maintained by CBP. This does not preclude the disclosure of confidential information to U.S. government authorities responsible for the administration and enforcement of USMCA requirements, such as the Department of Labor, and of customs and revenue matters.

Subpart B—Import Requirements

■ 26. Add § 182.11 to read as follows:

§ 182.11 Filing of claim for preferential tariff treatment upon importation.

(a) *Basis of claim.* An importer may make a claim for USMCA preferential

tariff treatment, including an exemption from the merchandise processing fee, based on a written or electronic certification of origin, as specified in § 182.12, completed by the importer, exporter, or producer for the purpose of certifying that a good qualifies as an originating good.

(b) *Making a claim.* The claim is made by including on the entry summary, or equivalent documentation, or by the method specified for equivalent reporting via a CBP-authorized electronic data interchange system, the letters “S” or “S+” as a prefix to the subheading of the HTSUS under which each originating good is classified.

(c) *Corrected claim.* If, after making the claim specified in paragraph (b) of this section, the importer has reason to believe that the certification of origin is based on inaccurate information or is otherwise invalid, the importer must promptly and voluntarily correct the claim or certification of origin, pay any duties that may be due, and submit a statement either in writing to the CBP office where the original claim was filed or via a CBP-authorized electronic data interchange system in accordance with § 182.124 of this part (see §§ 182.122 and 182.124 of this part).

■ 27. Add § 182.12 to read as follows:

§ 182.12 Certification of origin.

(a) *General.* An importer who makes a claim, pursuant to § 182.11(b), based on a certification of origin completed by the importer, exporter, or producer that the good is originating must submit, at the request of CBP, a copy of the certification of origin. The certification of origin:

(1) Need not be in a prescribed format but must be in writing or must be transmitted electronically pursuant to any electronic means authorized by CBP for that purpose;

(2) May be provided on an invoice or any other document, except an invoice or commercial document issued in the territory of a non-USMCA country;

(3) Must be in the possession of the importer at the time the claim for preferential tariff treatment is made;

(4) Must include the following information to be valid:

(i) Whether the certifier is the importer, exporter, or producer in accordance with this subpart;

(ii) The certifier’s name, title, address (including country), telephone number, and email address;

(iii) The exporter’s name, address (including country), email address, and telephone number if different from the certifier, unless the producer is completing the certification of origin

and does not know the identity of the exporter;

(iv) The producer’s name, address (including country), email address, and telephone number, if different from the certifier or exporter; or if there are multiple producers, “Various” or a list of producers (see also paragraph (c) of this section);

(v) If known, the importer’s name, address, email address, and telephone number; or if there are multiple importers, “Various” or a list of importers;

(vi) The legal name, address (including country), telephone number, and email address (if any) of the responsible official or authorized agent of the importer, exporter, or producer signing the certification;

(vii) A description of the good for which preferential tariff treatment is claimed, which must be sufficiently detailed to relate it to the invoice and the Harmonized System (HS) nomenclature;

(viii) The HTSUS tariff classification, to six or more digits, as necessary for the specific change in tariff classification rule for the good set forth in General Note 11, HTSUS;

(ix) The applicable rule of origin set forth in General Note 11, HTSUS, under which the good qualifies as an originating good;

(x) In the case of a good listed in Schedule II of Appendix A of this part, the following statement must be included: “Schedule II of the USMCA Rules of Origin Uniform Regulations”;

(xi) If the certification of origin covers a single shipment of a good, the invoice number related to the exportation, if known;

(xii) In case of a blanket certification issued with respect to multiple shipments of identical goods within any period specified in the certification of origin, not exceeding 12 months from the date of certification, the period that the certification covers; and

(5) Must include the following statement: “I certify that the goods described in this document qualify as originating and the information contained in this document is true and accurate. I assume responsibility for proving such representations and agree to maintain and present upon request or to make available during a verification visit, documentation necessary to support this certification.”

(b) *Address.* For the purposes of the certification of origin provided for in paragraph (a) of this section:

(1) The address of the exporter provided under paragraph (a)(4)(iii) is the place of export of the good in a USMCA country’s territory;

(2) The address of a producer provided under paragraph (a)(4)(iv) is the place of production of the good in a USMCA country's territory; and

(3) The address of the importer provided under paragraph (a)(4)(v) must be in a USMCA country's territory.

(c) *Confidentiality of producer information.* For the purposes of the information provided under paragraph (a)(4)(iv) of this section, a person that wishes for this information to remain confidential may state "Available upon request by the importing authorities."

(d) *Responsible official or agent.* The certification of origin provided for in paragraph (a) of this section must be signed and dated by a responsible official of the importer, exporter, or producer, or by the importer's, exporter's, or producer's authorized agent having knowledge of the relevant facts.

(e) *Language.* The certification provided for in paragraph (a) of this section must be completed in English, French, or Spanish. If the certification of origin is not in English, CBP may require the importer to submit an English translation of the certification.

(f) *Basis of a certification of origin.* (1) A certification of origin may be completed by the importer, exporter, or producer of the good on the basis of:

(i) The certifier of the certification of origin of the good having information, including documents, that demonstrate that the good is originating; or

(ii) In the case of an exporter who is not the producer of the good, reasonable reliance on the producer's written representation, such as in a certification of origin, that the good is originating.

(2) CBP may not require that an exporter or producer complete a certification of origin, or provide a certification of origin or written representation to another person.

(g) *Applicability of certification of origin.* The certification of origin provided for in paragraph (a) of this section may be applicable to:

(1) A shipment of goods into the United States, which may consist of:

(i) A single shipment of goods that results in the filing of one or more entries; or

(ii) More than one shipment of goods that results in the filing of one entry.

(2) Multiple shipments of identical goods into the United States that occur within a specified blanket period, not exceeding 12 months, set out in the certification.

(h) *Validity of certification of origin.* A certification of origin that is properly completed, signed, and dated in accordance with the requirements of this section will be accepted as valid for

four years following the date on which it was completed.

■ 28. Add § 182.13 to read as follows:

§ 182.13 Importer obligations.

(a) *General.* An importer who makes a claim for USMCA preferential tariff treatment:

(1) Will be deemed to have made a statement based on a valid certification of origin that the good qualifies as an originating good;

(2) Is responsible for the truthfulness of the claim and of all the information and data contained in the certification of origin provided for in § 182.12; and

(3) Is responsible for submitting supporting documents requested by CBP, and for the truthfulness of the information contained in those documents. When a certification of origin prepared by an exporter or producer forms the basis of a claim for preferential tariff treatment and CBP requests the submission of supporting documents, the importer will provide to CBP, or arrange for the direct submission by the exporter or producer of, information relied on by the exporter or producer in preparing the certification.

(b) *Exemption from penalties.* An importer will not be subject to civil or administrative penalties under 19 U.S.C. 1592 for making an incorrect claim for preferential tariff treatment or submitting an incorrect certification of origin, provided that the importer promptly and voluntarily corrects the claim or certification of origin, pays any duties and merchandise processing fees, if applicable, that may be due, and submits a statement either in writing or via a CBP-authorized electronic data interchange system to the CBP office where the original claim was filed in accordance with § 182.124 (see §§ 182.122 and 182.124).

■ 29. Add § 182.14 to read as follows:

§ 182.14 Certification of origin not required.

(a) *General.* Except as otherwise provided in paragraph (b) of this section, an importer will not be required to submit a copy of a certification of origin under § 182.12 for:

(1) A non-commercial importation of a good; or

(2) A commercial importation for which the value of the originating goods does not exceed \$2,500 in U.S. dollars.

(b) *Exception.* If CBP determines that an importation described in paragraph (a) of this section is part of a series of importations carried out or planned for the purpose of evading compliance with the certification requirements of § 182.12, CBP will notify the importer

that for that importation the importer must submit to CBP a copy of the certification of origin. The importer must submit such a copy within 30 days from the date of the notice. Failure to timely submit a copy of the certification of origin will result in denial of the claim for preferential tariff treatment.

■ 30. Add § 182.15 to read as follows:

§ 182.15 Maintenance of records.

(a) *General.* An importer claiming USMCA preferential tariff treatment for a good must maintain for a minimum of five years from the date of importation of the good, all records and documents that the importer has demonstrating that the good qualifies for preferential tariff treatment under the USMCA, including the certification of origin and records related to transit and transshipment. These records are in addition to any other records that the importer is required to prepare, maintain, or make available to CBP under part 163 of this chapter.

(b) *Method of maintenance.* The records and documents referred to in paragraph (a) of this section must be maintained by importers as provided in § 163.5 of this chapter.

■ 31. Add § 182.16 to read as follows:

§ 182.16 Effect of noncompliance; failure to provide documentation regarding transshipment.

(a) *General.* If the importer fails to comply with applicable requirements under this subpart, including submission of a complete certification of origin prepared in accordance with §§ 182.12 and 182.14, when requested, CBP may deny preferential tariff treatment to the imported good.

(b) *Failure to provide documentation regarding transshipment.* Where the requirements for preferential tariff treatment set forth elsewhere in this subpart are met, CBP nevertheless may deny preferential tariff treatment to an originating good if the good is transported outside the territories of the USMCA countries, and at the request of CBP, the importer of the good does not provide evidence demonstrating to the satisfaction of CBP that the transit and transshipment conditions set forth in Appendix A of this part were met.

Subpart C—Export Requirements

■ 32. Add § 182.21 to read as follows:

§ 182.21 Certification of origin for goods exported to Canada or Mexico.

(a) *Submission of certification of origin to CBP.* An exporter or producer who completes a certification of origin for a good exported from the United States to Canada or Mexico must

provide a copy of the certification of origin (written or electronic) to CBP upon request.

(b) *Notification of errors in certification of origin.* An exporter or producer who completes a certification of origin for a good exported from the United States to Canada or Mexico and who has reason to believe that the certification contains or is based on incorrect information must promptly and voluntarily notify every person, in writing, to whom the certification was provided of any change that could affect the accuracy or validity of the certification. Notification of an incorrect certification must also be given either in writing or via a CBP-authorized electronic data interchange system to CBP specifying the correction in accordance with § 182.124 (see §§ 182.123 and 182.124).

(c) *Maintenance of records—(1) General.* An exporter or producer who completes a certification of origin or a producer who provides a written representation for a good exported from the United States to Canada or Mexico must maintain, for a period of at least five years after the date the certification was completed, all records and supporting documents relating to the origin of a good for which the certification of origin was completed, including the certification or copies thereof and records and documents associated with:

(i) The purchase, cost, value, and shipping of, and payment for, the good or material;

(ii) The purchase, cost, value, and shipping of, and payment for, all materials, including indirect materials, used in the production of the good or material; and

(iii) The production of the good in the form in which the good is exported or the production of the material in the form in which it was sold.

(2) *Method of maintenance.* The records referred to in paragraph (c) of this section must be maintained as provided in § 163.5 of this chapter.

(3) *Availability of records.* For purposes of determining compliance with the provisions of this part, the records required to be maintained under this section must be stored and made available for examination and inspection by a CBP official in the same manner as provided in part 163 of this chapter.

Subpart D—Post-Importation Duty Refund Claims

■ 33. Add § 182.31 to read as follows:

§ 182.31 Right to make post-importation claim for preferential tariff treatment and refund duties.

Notwithstanding any other available remedy, where a good would have qualified as an originating good when it was imported into the United States but no claim for preferential tariff treatment was made, the importer of that good may file a claim for a refund of any excess customs duties at any time within one year after the date of importation of the good in accordance with 19 U.S.C. 1520(d) and the procedures set forth in § 182.32. Unless the importer fails to comply with the applicable requirements in this part, CBP may refund any excess customs duties by liquidation or reliquidation of the entry covering the good in accordance with § 182.33.

■ 34. Add § 182.32 to read as follows:

§ 182.32 Filing procedures.

(a) *Place of filing.* A post-importation claim for a refund must be filed with CBP, either at the port of entry or electronically.

(b) *Contents of claim.* A post-importation claim for a refund must be filed by presentation of the following:

(1) A written or electronic declaration or statement stating that the good was an originating good at the time of importation and setting forth the number and date of the entry or entries covering the good;

(2) A copy of a written or electronic certification of origin prepared in accordance with § 182.12 demonstrating that the good qualifies for preferential tariff treatment;

(3) A written statement indicating whether the importer of the good provided a copy of the entry summary or equivalent documentation to any other person. If such documentation was so provided, the statement must identify each recipient by name, CBP identification number, and address and must specify the date on which the documentation was provided; and

(4) A written statement indicating whether or not any person has filed a protest, petition, or request for reliquidation; and if any such protest, petition, or request for reliquidation has been filed, the statement must identify the filing by number and date.

■ 35. Add § 182.33 to read as follows:

§ 182.33 CBP processing procedures.

(a) *Status determination.* After receipt of a post-importation claim made pursuant to § 182.32, CBP will determine whether the entry covering the good has been liquidated and, if liquidation has taken place, whether the liquidation has become final.

(b) *Pending protest, petition, or request for reliquidation or judicial review.* If CBP determines that any protest, petition, or request for reliquidation relating to the good has not been finally decided, CBP will suspend action on the claim filed under § 182.32 until the decision on the protest, petition, or request for reliquidation becomes final. If a summons involving the tariff classification or dutiability of the good is filed in the Court of International Trade, CBP will suspend action on the claim filed under § 182.32 until judicial review has been completed.

(c) *Allowance of claim—(1) Unliquidated entry.* If CBP determines that a claim for a refund filed under § 182.32 should be allowed and the entry covering the good has not been liquidated, CBP will take into account the claim for refund in connection with the liquidation of the entry.

(2) *Liquidated entry.* If CBP determines that a claim for a refund filed under § 182.32 should be allowed and the entry covering the good has been liquidated, whether or not the liquidation has become final, the entry must be reliquidated in order to effect a refund of customs duties under this section. If the entry is otherwise to be reliquidated based on administrative review of a protest or as a result of judicial review, CBP will reliquidate the entry taking into account the claim for refund under § 182.32.

(d) *Denial of claim—(1) General.* CBP may deny a claim for a refund filed under § 182.32 if the claim was not filed timely, if the importer has not complied with the requirements of § 182.32 or the other applicable requirements in this part, or if, following an origin verification, CBP determines either that the imported good was not an originating good at the time of importation or that a basis exists upon which preferential tariff treatment may be denied.

(2) *Unliquidated entry.* If CBP determines that a claim for a refund filed under § 182.32 should be denied and the entry covering the good has not been liquidated, CBP will deny the claim in connection with the liquidation of the entry, and notice of the denial and the reason for the denial will be provided to the importer in writing or via a CBP-authorized electronic data interchange system.

(3) *Liquidated entry.* If CBP determines that a claim for a refund filed under § 182.32 should be denied and the entry covering the good has been liquidated, whether or not the liquidation has become final, the claim may be denied without reliquidation of

the entry. If the entry is otherwise to be reliquidated based on administrative review of a protest, petition, or request for reliquidation or as a result of judicial review, such reliquidation may include denial of the claim filed under this subpart. In either case, CBP will provide notice of the denial and the reason for the denial to the importer in writing or via a CBP-authorized electronic data interchange system.

Subpart E—Restrictions on Drawback and Duty-Deferral Programs

- 36. Add § 182.41 to read as follows:

§ 182.41 Applicability.

This subpart sets forth the provisions regarding drawback claims and duty-deferral programs under Article 2.5 of the USMCA and applies to any good that is a “good subject to USMCA drawback” within the meaning of 19 U.S.C. 4534. The provisions of this subpart apply to goods which are entered for consumption, or withdrawn from warehouse for consumption, into the United States on or after July 1, 2020. The requirements and procedures set forth in this subpart for USMCA drawback are in addition to the general definitions, requirements, and procedures for all drawback claims set forth in part 190 of this chapter, unless otherwise specifically provided in this subpart. Also, the requirements and procedures set forth in this subpart for USMCA duty-deferral programs are in addition to the requirements and procedures for manipulation, manufacturing, and smelting and refining warehouses contained in part 19 and part 144 of this chapter, for foreign trade zones under part 146 of this chapter, and for temporary importations under bond contained in part 10 of this chapter.

- 37. Add § 182.42 to read as follows:

§ 182.42 Duties and fees not subject to drawback.

The following duties or fees which may be applicable to a good entered for consumption or withdrawn from warehouse for consumption in the Customs territory of the United States are not subject to drawback under this subpart:

- (a) Antidumping and countervailing duties;
- (b) A premium offered or collected on a good with respect to quantitative import restrictions, tariff-rate quotas or tariff preference levels; and
- (c) Customs duties paid or owed under unused merchandise substitution drawback. There will be no payment of such drawback under 19 U.S.C.

1313(j)(2) on goods exported to Canada or Mexico.

- 38. Add § 182.43 to read as follows:

§ 182.43 Eligible goods subject to USMCA drawback.

Except as otherwise provided in this subpart, drawback is authorized for an imported good that is entered for consumption and is:

(a) Subsequently exported to Canada or Mexico (*see* 19 U.S.C. 1313(j)(1));

(b) Used as a material in the production of another good that is subsequently exported to Canada or Mexico (*see* 19 U.S.C. 1313(a)); or

(c) Substituted by a good of the same kind and quality as defined in § 182.44(d) and used as a material in the production of another good that is subsequently exported to Canada or Mexico (*see* 19 U.S.C. 1313(b)).

- 39. Add § 182.44 to read as follows:

§ 182.44 Calculation of drawback.

(a) *General.* Except in the case of goods specified in § 182.45, drawback of the duties previously paid upon importation of a good into the United States may be granted by the United States, upon presentation of a USMCA drawback claim under this subpart, on the lower amount of:

(1) The total duties paid or owed on the good in the United States; or

(2) The total amount of duties paid on the exported good upon subsequent importation into Canada or Mexico.

(b) *Individual relative value and duty comparison principle.* For purposes of this section, relative value will be determined, and the comparison between the duties referred to in paragraph (a)(1) of this section and the duties referred to in paragraph (a)(2) of this section will be made, separately with reference to each individual exported good, including where two components or materials are used to produce one exported good or one component or material is divided among multiple exported goods.

(c) *Direct identification manufacturing drawback under 19 U.S.C. 1313(a).* Upon presentation of the USMCA drawback claim under 19 U.S.C. 1313(a), in which the amount of drawback payable is based on the lesser amount of the customs duties paid on the good either to the United States or to Canada or Mexico, the amount of drawback refunded may not exceed 99 percent of the duty paid on such imported merchandise into the United States.

(d) *Substitution manufacturing drawback under 19 U.S.C. 1313(b).* Upon presentation of a USMCA drawback claim under 19 U.S.C.

1313(b), on which the amount of drawback payable is based on the lesser amount of the customs duties paid on the good either to the United States or to Canada or Mexico, the amount of drawback is the same as that which would have been allowed had the substituted merchandise used in manufacture been itself imported.

(1) *General.* For purposes of drawback under this subpart, the term “same kind and quality” has the same meaning as the 8-digit HTSUS substitution standard established in 19 U.S.C. 1313(b)(1) (*see* §§ 190.2 and 190.22(a)(1)(i) of this chapter).

(2) *Special rule for sought chemical elements.* For purposes of drawback under this subpart, for sought chemical elements, the term “same kind and quality” has the same meaning as the 8-digit HTSUS substitution standard established in 19 U.S.C. 1313(b)(4) (*see* § 190.22(a)(2) of this chapter).

(e) *Meats cured with imported salt.* Meats, whether packed or smoked, which have been cured with imported salt may be eligible for drawback in aggregate amounts of not less than \$100 in duties paid on the imported salt upon exportation of the meats to Canada or Mexico (*see* 19 U.S.C. 1313(f)).

(f) *Jet aircraft engines.* A foreign-built jet aircraft engine that has been overhauled, repaired, rebuilt, or reconditioned in the United States with the use of imported merchandise, including parts, may be eligible for drawback of duties paid on the imported merchandise in aggregate amounts of not less than \$100 upon exportation of the engine to Canada or Mexico (19 U.S.C. 1313(h)).

(g) *Unused goods under 19 U.S.C. 1313(j)(1) that have changed in condition.* An imported good that is unused in the United States under 19 U.S.C. 1313(j)(1) and that is shipped to Canada or Mexico not in the same condition within the meaning of § 182.45(b)(1) may be eligible for drawback under this section except when the shipment to Canada or Mexico does not constitute an exportation under 19 U.S.C. 1313(j)(4).

- 40. Add § 182.45 to read as follows:

§ 182.45 Goods eligible for full drawback.

(a) *Goods originating in Canada or Mexico.* A Canadian or Mexican originating good that is dutiable and is imported into the United States is eligible for drawback without regard to the limitation on drawback set forth in § 182.44 if that good is originating under the rules of origin set out in General Note 11, HTSUS, and Appendix A of this part, and is:

(1) Subsequently exported to Canada or Mexico;

(2) Used as a material in the production of another good that is subsequently exported to Canada or Mexico; or

(3) Substituted by a good of the same 8-digit HTSUS subheading number and used as a material in the production of another good that is subsequently exported to Canada or Mexico.

(b) *Claims under 19 U.S.C 1313(j)(1) for goods in same condition.* A good imported into the United States and subsequently exported to Canada or Mexico in the same condition is eligible for drawback under 19 U.S.C. 1313(j)(1) without regard to the limitation on drawback set forth in § 182.44 .

(1) *Same condition defined.* For purposes of this subpart, a reference to a good in

the “same condition” includes a good that has been subjected to any of the following operations provided that no such operation materially alters the characteristics of the good:

(i) Mere dilution with water or another substance;

(ii) Cleaning, including removal of rust, grease, paint or other coatings;

(iii) Application of preservative, including lubricants, protective encapsulation, or preservation paint;

(iv) Trimming, filing, slitting or cutting;

(v) Putting up in measured doses, or packing, repacking, packaging or repackaging; or

(vi) Testing, marking, labelling, sorting, grading, or inspecting a good.

(2) *Commingling of fungible goods—*(i) *General—(A) Inventory of other than all non-originating goods.* Commingling of fungible originating and non-originating goods in inventory is permissible provided that the origin of the goods and the identification of entries for designation for same condition drawback are on the basis of an approved inventory management method set forth in the Appendix A to this part (see 19 CFR 102.1).

(B) *Inventory of the non-originating goods.* If all goods in a particular inventory are non-originating goods, identification of entries for designation for same condition drawback must be on the basis of one of the accounting methods in § 190.14 of this chapter, as appropriate.

(ii) *Exception.* Agricultural goods imported from Mexico may not be commingled with fungible agricultural goods in the United States for purposes of same condition drawback under this subpart.

(c) *Goods not conforming to sample or specifications or shipped without*

consent of consignee under 19 U.S.C. 1313(c). An imported good exported to Canada or Mexico by reason of failure of the good to conform to sample or specification or by reason of shipment of the good without the consent of the consignee is eligible for drawback under 19 U.S.C. 1313(c) without regard to the limitation on drawback set forth in § 182.44. Such a good must be exported or destroyed within the statutory 5-year time period and in compliance with the requirements set forth in subpart D of part 190 of this chapter, as applicable.

(d) *Certain goods exported to Canada or Mexico.* A good provided for in U.S. tariff items 1701.13.20 or 1701.14.20 that is imported into the Customs territory of the United States under any re-export or like program that is used as a material, or substituted for by a good of the same kind and quality that is used as a material, in the production of a good provided for in Canadian tariff item 1701.99.00 or Mexican tariff items 1701.99.01, 1701.99.02, and 1701.99.99 (relating to refined sugar), is eligible for drawback without regard to the limitation on drawback set forth in § 182.44. Same kind and quality for purposes of this subsection means that the imported good and the substituted good must be capable of being used interchangeably in the manufacture or production of the exported or destroyed articles with no substantial change in the manufacturing or production process.

(e) *Certain goods exported to Canada.* Goods identified in Article 2.5.6(g) of the USMCA and in 19 U.S.C. 4534(a)(7) and (8), if exported to Canada, are eligible for drawback without regard to the limitations on drawback set forth in § 182.44.

(f) *Certain goods that are exported or deemed exported.* Goods that are delivered:

(1) To a duty-free shop,

(2) For ship’s stores or supplies for ships or aircrafts, or

(3) For the use in a project undertaken jointly by the United States and a USMCA country, and destined to become the property of the United States, are eligible upon exportation for drawback without regard to the limitations on drawback set forth in § 182.44.

■ 41. Add § 182.46 to read as follows:

§ 182.46 Filing of drawback claim.

(a) *Time of filing.* A drawback claim under this subpart must be filed within 5 years after the date of importation of the goods on which drawback is claimed. No extension will be granted unless it is established that a CBP official was responsible for the untimely

filing. Drawback will be allowed only if the completed good is exported within 5 years after importation of the merchandise identified or designated to support the claim.

(b) *Method of filing.* A drawback claim must be filed electronically through a CBP-authorized electronic system (see § 190.51 of this chapter).

■ 42. Add § 182.47 to read as follows:

§ 182.47 Completion of claim for drawback.

(a) *General.* A claim for drawback will be granted, upon the submission of appropriate documentation to substantiate compliance with the drawback laws and regulations of the United States, evidence of exportation to Canada or Mexico, and satisfactory evidence of the payment of duties to Canada or Mexico. Unless otherwise provided in this subpart, the documentation, filing procedures, time and place requirements and other applicable procedures required to determine whether a good qualifies for drawback must be in accordance with the provisions of part 190 of this chapter, as appropriate; however, a drawback claim subject to the provisions of this subpart must be filed separately from any part 190 drawback claim (that is, a claim that involves goods exported to countries other than Canada or Mexico). Claims inappropriately filed or otherwise not completed within the periods specified in § 182.46 will be considered abandoned.

(b) *Complete drawback claim—*(1) *General.* A complete drawback claim under this subpart must consist of the filing of the appropriate completed drawback entry, evidence of exportation (a copy of the Canadian or Mexican customs entry showing the amount of duty paid to Canada or Mexico) and its supporting documents, and a certification from the Canadian or Mexican importer as to the amount of duties paid. Each drawback entry filed under this subpart must be filed using the indicator “USMCA Drawback”.

(2) *Specific claims.* The following documentation, for the drawback claims specified below, must be submitted to CBP in order for a drawback claim to be processed under this subpart. Missing documentation or incorrect or incomplete information on required customs forms or supporting documentation will result in an incomplete drawback claim.

(i) *Manufacturing drawback claim.* The following must be submitted in connection with a claim for direct identification manufacturing drawback

or substitution manufacturing drawback:

(A) A completed CBP Form 331, or its electronic equivalent, to establish the manufacture of goods made with imported merchandise and, if applicable, the identity of substituted domestic, duty-paid or duty-free merchandise, and including the tariff classification number of the imported merchandise;

(B) CBP Form 7501, or its electronic equivalent, or the import entry number;

(C) [Reserved]

(D) Evidence of exportation and satisfactory evidence of the payment of duties in Canada or Mexico, as provided in paragraph (c) of this section;

(E) Waiver of right to drawback. If the person exporting to Canada or Mexico was not the importer or the manufacturer, written waivers executed by the importer or manufacturer and by any intervening person to whom the good was transferred must be submitted in order for the claim to be considered complete; and

(F) An affidavit of the party claiming drawback stating that no other drawback claim has been made on the designated goods, that such party has not provided an exporter's certification of origin pertaining to the exported goods to another party except as stated on the drawback claim, and that the party agrees to notify CBP if the party subsequently provides such an exporter's certification of origin to any person.

(ii) *Same condition drawback claim under 19 U.S.C. 1313(j)(1)*. The following must be submitted in connection with a drawback claim covering a good in the same condition:

(A) The foreign entry number and date of entry, the HTSUS classification for the foreign entry, the amount of duties paid for the foreign entry and the applicable exchange rate, and, if applicable, a certification from the claimant that provides as follows: "Same condition—The undersigned certifies that the merchandise herein described is in the same condition as when it was imported under the above import entry(s) and further certifies that this merchandise was not subjected to any process of manufacture or other operation except the allowable operations as provided for by regulation.";

(B) Information sufficient to trace the movement of the imported goods after importation;

(C) In-bond application submitted pursuant to part 18 of this chapter, if applicable. This is required for merchandise which is examined at one port but exported through border points

outside of that port. Such goods must travel in bond from the location where they were examined to the point of the border crossing (exportation). If examination is waived, in-bond transportation is not required;

(D) *Notification of intent to export or waiver of prior notice*. CBP must be notified at least 5 business days in advance of the intended date of exportation in order to have the opportunity to examine the goods (*see* § 190.35 of this chapter);

(E) *Evidence of exportation*. Acceptable documentary evidence of exportation to Canada or Mexico may include originals or copies of any of the following documents that are issued by the exporting carrier: bill of lading, air waybill, freight waybill, export ocean bill of lading, Canadian customs manifest, and cargo manifest. Supporting documentary evidence must establish fully the time and fact of exportation, the identity of the exporter, and the identity and location of the ultimate consignee of the exported goods;

(F) *Waiver of right to drawback*. If the party exporting to Canada or Mexico was not the importer, a written waiver from the importer and from each intermediate person to whom the goods were transferred is required in order for the claim to be considered complete; and

(G) An affidavit of the party claiming drawback stating that no other drawback claim has been made on the designated goods.

(iii) *Nonconforming or improperly shipped goods drawback claim*. The following must be submitted in the case of goods not conforming to sample or specifications, or shipped without the consent of the consignee and subject to a drawback claim under 19 U.S.C. 1313(c):

(A) Customs Form 7501, or its electronic equivalent, to establish the fact of importation, the receipt of the imported goods, and the identity of the party to whom drawback is payable (*see* § 182.48(b));

(B) [Reserved]

(C) CBP Form 7512, or its electronic equivalent, if applicable;

(D) Notification of intent to export or waiver of prior notice. CBP must be notified at least 5 business days in advance of the intended date of exportation in order to have the opportunity to examine the goods (*see* § 190.42 of this chapter); and

(E) Evidence of exportation, as provided in paragraph (b)(2)(ii)(E) of this section.

(iv) *Meats cured with imported salt*. The provisions of paragraph (b)(2)(i) of

this section relating to direct identification manufacturing drawback will apply to claims for drawback on meats cured with imported salt filed under this subpart insofar as applicable to and not inconsistent with the provisions of this subpart, and the forms referred to in that paragraph must be modified to show that the claim is being made for refund of duties paid on salt used in curing meats.

(v) *Jet aircraft engines*. The provisions of paragraph (b)(2)(i) of this section relating to direct identification manufacturing drawback will apply to claims for drawback on foreign-built jet aircraft engines repaired or reconditioned in the United States filed under this subpart insofar as applicable to and not inconsistent with the provisions of this subpart and the provisions of subpart N of part 190 of this chapter.

(c) [Reserved]

■ 43. Add § 182.49 to read as follows:

§ 182.49 Retention of records.

All records required to be kept by the exporter, importer, manufacturer or producer under this subpart with respect to manufacturing drawback claims, and all records kept by others which complement the records of the importer, exporter, manufacturer or producer, including any person who transfers or enables another person to make or perfect a drawback claim, must be retained for at least three years from the date of liquidation of such claims or longer period if required by law (*see* §§ 190.10, 190.15, 190.38, and 190.175(c) of this chapter).

■ 44. Add § 182.50 to read as follows:

§ 182.50 Liquidation and payment of drawback claims.

(a) *General*. When the drawback claim has been fully completed by the filing of all required documents, and exportation of the articles has been established and the amount of duties paid to Canada or Mexico has been established, the entry will be liquidated to determine the proper amount of drawback due either in accordance with the limitation on drawback set forth in § 182.44 of this subpart or in accordance with the regular drawback calculation. The liquidation procedures of subpart H of part 190 of this chapter, as appropriate, will control for purposes of this subpart.

(b) [Reserved]

(c) *Accelerated payment*. Accelerated drawback payment procedures will apply as set forth in § 190.92 of this chapter, as appropriate. However, a person who receives drawback of duties under this procedure must repay the

duties paid if a USMCA drawback claim is adversely affected thereafter by administrative or court action.

■ 45. Add § 182.51 to read as follows:

§ 182.51 Prevention of improper payment of claims.

(a) *Double payment of claim.* The drawback claimant must certify to CBP that the claimant has not earlier received payment on the same import entry for the same designation of goods. If, notwithstanding such a certification, such an earlier payment was in fact made to the claimant, the claimant must repay any amount paid on the second claim.

(b) *Preparation of Certification of Origin.* The drawback claimant must, within 30 calendar days after the filing of the drawback claim under this subpart, submit to CBP a written statement as to whether the claimant has prepared, or has knowledge that another person has prepared, a certification of origin provided for under § 182.12 and pertaining to the goods which are covered by the claim. If, following such 30-day period, the claimant prepares, or otherwise learns of the existence of, any such certification of origin, the claimant must, within 30 calendar days thereafter, disclose that fact to CBP.

■ 46. Add § 182.52 to read as follows:

§ 182.52 Subsequent claims for preferential tariff treatment.

If a claim for a refund of duties is allowed by the Canadian or Mexican customs administration under Article 5.11 of the USMCA (post-importation claim) or under any other circumstance after drawback has been granted under this subpart, the appropriate CBP official must reliquidate the drawback claim and obtain a refund of the amount paid in drawback in excess of the amount permitted to be paid under § 182.44.

■ 47. Add § 182.54 to read as follows:

§ 182.54 Verification of claim for drawback, waiver or reduction of duties.

The allowance of a claim for drawback, waiver or reduction of duties submitted under this subpart is subject to such verification, including verification with the Canadian or Mexican customs administration, of any documentation obtained in Canada or Mexico and submitted in connection with the claim, as CBP may deem necessary.

Subpart G—Origin Verifications and Determinations

■ 48. Add § 182.71 to read as follows:

§ 182.71 Applicability.

This subpart contains the general origin verification and determination provisions applicable to goods claiming preferential tariff treatment under § 182.11(b) or § 182.32.

■ 49. Add § 182.72 to read as follows:

§ 182.72 Verification of claim for preferential tariff treatment.

(a) *Verification.* A claim for preferential tariff treatment made under § 182.11(b) or 182.32, including any statements or other information submitted to CBP in support of the claim, will be subject to such verification as CBP deems necessary. CBP may initiate the verification of goods imported into the United States under the USMCA with the importer, or with the exporter or producer who completed the certification of origin. A verification of a claim for preferential tariff treatment under the USMCA may be conducted by means of one or more of the following:

(1) Requests for information or questionnaires, including a request for documents, to the importer, exporter, or producer;

(2) Verification visits to the premises of the exporter or producer in Mexico or Canada in order to request information, including documents, and to observe production processes and facilities; and

(3) Any other procedure to which the USMCA countries may agree.

(b) *Verification of a material.* When conducting a verification of a good imported into the United States, CBP may conduct a verification of the material that is used in the production of that good. A verification of a material producer may be conducted pursuant to any of the verification means set forth in paragraph (a) of this section. With the exception of §§ 182.73(c) and 182.75, the provisions in this subpart also apply to the verification of a material and references to the term “producer” apply to a producer of a good or to a material producer.

(c) *Sending information directly to CBP.* During a verification, CBP will accept information, including documents, directly from an importer, exporter, or producer.

(d) *Applicable accounting principles.* When conducting a verification to which Generally Accepted Accounting Principles or an otherwise accepted inventory method may be relevant, CBP will apply and accept the Generally Accepted Accounting Principles applicable in the USMCA country in which the production is performed or from which the good is exported, as appropriate, or an otherwise accepted inventory management method as

provided for in Appendix A of this part. If information, including documents, books and records, were not maintained accordingly, CBP will provide the importer, exporter or producer 30 days to record costs in accordance with Appendix A of this part.

■ 50. Add § 182.73 to read as follows:

§ 182.73 Notification and response procedures.

(a) *Requests for information and questionnaires.* When conducting a verification through a request for information or a questionnaire as provided for in § 182.72(a)(1), CBP will send the importer, exporter or producer a written request for information, a written questionnaire, or its electronic equivalent, including a request for specific documentation to support the claim for preferential tariff treatment.

(1) *Contents.* The written request for information, written questionnaire, or its electronic equivalent will contain the following:

(i) The objective and scope of the verification, including the specific issue that the verification is seeking to resolve; and

(ii) Sufficient information to identify the good or material that is the subject of the verification.

(2) *Availability of records—(i) Verification of a good.* The importer, exporter, or producer must make the records, which are required to be maintained to demonstrate that the good qualifies for preferential tariff treatment under the USMCA, available for inspection by a CBP official conducting a verification. CBP may deny the claim for preferential tariff treatment of the good for failure to maintain the required records or if a CBP official is denied access to the records.

(ii) *Verification of a material.* During the verification of a material, any records in the material producer's possession demonstrating that the material qualifies as originating must be made available for inspection by a CBP official conducting a verification. CBP may consider the material that is used in the production of the good and is the subject of the verification to be non-originating material if a CBP official is denied access to these records.

(b) *Notification of a verification visit.* Prior to conducting a verification visit in Canada or Mexico, CBP will provide the exporter or producer, using one of the communication means specified in paragraph (d)(2) of this section, with a notification stating the intent to conduct a verification visit and containing the following:

(1) The objective and scope of the verification, including the specific issue

that the verification is seeking to resolve;

(2) Sufficient information to identify the good or material that is the subject of the verification;

(3) A request for the written consent of the exporter or producer whose premises are going to be visited;

(4) The legal authority for the visit;

(5) The proposed date and location of the visit;

(6) The specific purpose of the visit; and

(7) The names and titles of the U.S. officials conducting the visit.

(c) *Importer notification.* When CBP initiates a verification by sending a request for information or questionnaire under paragraph (a) of this section to an exporter or producer or by sending a notification of a verification visit under paragraph (b) of this section, CBP will notify the importer claiming preferential tariff treatment of the good that CBP has initiated a verification of that good, subject to the confidentiality provisions in § 182.2.

(d) *Means of communications.* (1) For purposes of a verification, it is sufficient for CBP to use the contact information provided in the certification of origin for any communication sent to the importer, exporter, or producer.

(2) For purposes of a verification, CBP will send all communication to the exporter or producer by any means that can produce a confirmation of receipt including:

(i) Electronic mail;

(ii) International courier services;

(iii) Certified or registered mail services; or

(iv) A CBP-authorized electronic data interchange system.

(e) *Time periods.* Any time periods specified in this subpart begin from the date of confirmation of receipt, provided for in paragraph (d)(2) of this section, when sending communication to the exporter or producer, and begin from the date the communication is sent when sending communication to the importer.

(f) *Response time for a request for information, a questionnaire, and a notification of a verification visit—(1) Request for information and questionnaire.* When CBP sends a request for information or a questionnaire, the importer, exporter, or producer will have 30 days from the date specified in paragraph (e) of this section to respond and provide the requested documentation. CBP may deny the claim for preferential tariff treatment of the good, or consider the material that is used in the production of the good to be non-originating material, for failure to respond to the

request for information subject to the conditions in § 182.75(c)(1), or for failure to respond to the questionnaire.

(2) *Notification of a verification visit.* When CBP sends a notification of a verification visit, the exporter or producer will have 30 days from the date specified in paragraph (e) of this section to consent to or deny the verification visit. CBP may deny the claim for preferential tariff treatment of the good, or consider the material that is used in the production of the good to be non-originating material, for failure to provide consent for a verification visit within the 30-day response period, unless a postponement is requested in accordance with § 182.74(b).

■ 51. Add § 182.74 to read as follows:

§ 182.74 Verification visit procedures.

(a) *Written consent required.* Prior to conducting a verification visit in Canada or Mexico, CBP must obtain the written consent of the exporter or producer whose premises are to be visited. The exporter or producer must submit this written consent, requested in the notification of a verification visit under § 182.73(b)(3), to CBP through one of the communication means specified in § 182.73(d)(2), within the time period provided in § 182.73(f)(2), unless a postponement is requested in accordance with paragraph (b) of this section.

(b) *Postponement of a verification visit—(1) Request for postponement by an exporter or producer.* Within 15 days of confirmed receipt of the notification of a verification visit, the exporter or producer may, on a single occasion, using one of the communication means specified in § 182.73(d)(2), request the postponement of the verification visit for a period not to exceed 30 days from the proposed date of the visit.

(2) *Notification of a postponement.* CBP will notify the exporter or producer when a postponement request under paragraph (b)(1) of this section is received and will provide the new date of the verification visit. The Mexican or Canadian customs administration where the verification visit will occur may also, within 15 days of confirmed receipt of the notification of a verification visit, postpone the verification visit for a period not to exceed 60 days from the proposed date of the visit or for a longer period as CBP and the Mexican or Canadian customs administration may decide. CBP will notify the exporter or producer if the verification visit is postponed at the request of the Mexican or Canadian customs administration.

(c) *Availability of records—(1) Verification of a good.* The exporter or

producer must make the records, which are required to be maintained to demonstrate that the good qualifies for preferential tariff treatment under the USMCA, available for inspection by a CBP official conducting a verification and provide facilities for that inspection during the verification visit. CBP may deny the claim for preferential tariff treatment of the good for failure to maintain these records or if a CBP official is denied access to these records.

(2) *Verification of a material.* During the verification of a material, any records in the material producer's possession demonstrating that the material qualifies as originating must be made available for inspection by a CBP official conducting a verification. CBP may consider the material that is the used in the production of the good and is the subject of the verification visit to be non-originating material if a CBP official is denied access to these records.

(d) *Observers.* The exporter or producer may designate up to two observers to be present during the verification visit, if the exporter or producer chooses, provided that:

(1) The observers do not participate in a manner other than as observers;

(2) The failure of the exporter or producer to designate observers does not result in the postponement of the visit; and

(3) The exporter or producer identifies to CBP any observers designated to be present during the visit.

■ 52. Add § 182.75 to subpart G to read as follows:

§ 182.75 Determinations of origin.

(a) *Contents.* For verifications initiated under this part, CBP will issue a determination of origin that sets forth:

(1) A description of the good that was the subject of the verification;

(2) A statement setting forth the findings of facts made in connection with the verification and upon which the determination is based; and

(3) The legal basis for the determination.

(b) *Parties who will receive a determination of origin.* CBP will issue the determination of origin to the importer, and to the exporter or producer who is subject to the verification and either completed the certification of origin or provided information directly to CBP during the verification, subject to the confidentiality provisions in § 182.2, within 120 days (or in exceptional cases and upon notification to the parties, within 210 days) after CBP has determined that it has received all the information necessary to issue a determination of origin, including any

information necessary from the exporter or producer.

(c) *Negative determinations*—(1) *When a request for information must be sent to the exporter or producer prior to issuing a negative determination.* If a claim for preferential tariff treatment is based on a certification of origin completed by the exporter or producer, and, in response to a request for information, the importer does not provide CBP with sufficient information to verify or substantiate the claim, CBP will send a written request for information or its electronic equivalent to the exporter or producer that completed the certification of origin, subject to the confidentiality provisions in § 182.2, prior to issuing a negative determination.

(2) *Denial of preferential tariff treatment.* CBP may deny the claim for preferential tariff treatment if:

(i) The certification of origin is not submitted to CBP upon request as required pursuant to § 182.12(a);

(ii) The claim or certification of origin is invalid or based on inaccurate information and is not corrected within the required time period pursuant to § 182.11(c);

(iii) CBP determines that the importer, exporter, or producer failed to provide sufficient information to substantiate the claim;

(iv) CBP determines that the good does not qualify for preferential tariff treatment, including failing to meet the rules of origin requirements in General Note 11, HTSUS, and Appendix A to this part;

(v) The importer, exporter, or producer fails to respond to the request for information pursuant to § 182.73(f)(1) subject to the conditions in § 182.75(c)(1);

(vi) The importer, exporter, or producer fails to respond to the questionnaire pursuant to § 182.73(f)(1);

(vii) The exporter or producer fails to consent to a verification visit pursuant to § 182.74;

(viii) The importer, exporter, or producer fails to maintain records demonstrating that the good qualifies for preferential tariff treatment as required pursuant to this part;

(ix) The importer, exporter, or producer denies access, as requested by CBP, to records or documentation that are in its possession or required to be maintained pursuant to this part;

(x) The exporter or producer denies access to records or documentation that are in its possession or required to be maintained, or to facilities during a verification visit as required pursuant to this part;

(xi) CBP finds a pattern of conduct pursuant to § 182.76; or

(xii) CBP determines that any other reason to deny a claim for preferential tariff treatment as set forth in this part applies

(3) *Intent to deny.* Prior to issuing a negative determination, CBP will inform the importer, and the exporter or producer who is subject to the verification and either completed the certification of origin or provided information directly to CBP during the verification, of CBP's intent to deny preferential tariff treatment, subject to the confidentiality provisions in § 182.2. This intent to deny will contain the preliminary results of the verification, the effective date of the denial of preferential tariff treatment, and a notice to the importer, exporter, or producer that CBP will provide 30 days to submit additional information, including documents, related to the preferential tariff treatment of the good.

(4) *Issuance of a negative determination of origin.* CBP will issue a negative determination of origin to the parties specified in paragraph (b) of this section if CBP determines, at least 30 days after receipt by the importer, exporter, or producer of the intent to deny issued pursuant to paragraph (c)(3) of this section, that one or more of the reasons for denial of preferential tariff treatment under paragraph (c)(2) of this section continues to apply. In addition to the contents of the determination set forth in paragraph (a) of this section, unless CBP determines that there is a pattern of conduct of false or unsupported representations pursuant to § 182.76, a negative determination of origin will provide the exporter or producer with the information necessary to file a protest as provided for in 19 U.S.C. 1514(e) and part 174 of this chapter.

■ 53. Add § 182.76 to subpart G to read as follows:

§ 182.76 Repeated false or unsupported preference claims.

Where the verification reveals a pattern of conduct by the importer, exporter, or producer of false or unsupported representations relevant to a claim that a good imported into the United States qualifies for preferential tariff treatment under the USMCA, CBP may withhold preferential tariff treatment under the USMCA for entries of identical goods covered by subsequent statements, declarations, or certifications by that importer, exporter, or producer until CBP determines that representations of that person are in conformity with this part and with General Note 11, HTSUS.

■ 54. Revise subpart J consisting of §§ 182.111 through 182.112 to read as follows:

Subpart J—Commercial Samples and Goods Returned after Repair or Alteration

Sec.

182.111 Commercial samples of negligible value.

182.112 Goods re-entered after repair or alteration in Canada or Mexico.

§ 182.111 Commercial samples of negligible value.

(a) *General.* Commercial samples of negligible value imported from Canada or Mexico may qualify for duty-free entry under subheading 9811.00.60, HTSUS. For purposes of this section, “commercial samples of negligible value” means commercial samples which have a value, individually or in the aggregate as shipped, of not more than one U.S. dollar, or the equivalent amount in the currency of Canada or Mexico, or which are so marked, torn, perforated, or otherwise treated that they are unsuitable for sale or for use except as commercial samples.

(b) *Qualification for duty-free entry.* Commercial samples of negligible value imported from Canada or Mexico will qualify for duty-free entry under subheading 9811.00.60, HTSUS, only if:

(1) The samples are imported solely for the purpose of soliciting orders for foreign goods or services; and

(2) If valued over one U.S. dollar, the samples are properly marked, torn, perforated or otherwise treated prior to arrival in the United States so that they are unsuitable for sale or for use except as commercial samples.

§ 182.112 Goods re-entered after repair or alteration in Canada or Mexico.

(a) *General.* This section sets forth the rules that apply for purposes of obtaining duty-free treatment on goods returned after repair or alteration in Canada or Mexico as provided for in subheadings 9802.00.40 and 9802.00.50, HTSUS. Goods returned after having been repaired or altered in Canada or Mexico, regardless of whether the repair or alteration could be performed in the United States or has increased the value of the good and regardless of their origin, are eligible for duty-free treatment, provided that the requirements of this section are met. For purposes of this section, “repairs or alterations” means restoration, addition, renovation, re-dyeing, cleaning, re-sterilizing, or other treatment that does not destroy the essential characteristics of, or create a new or commercially

different good from, the good exported from the United States.

(b) *Goods not eligible for duty-free treatment after repair or alteration.* The duty-free treatment referred to in paragraph (a) of this section will not apply to goods that:

(1) In their condition, as exported from the United States to Canada or Mexico, are incomplete for their intended use and for which the processing operation performed in Canada or Mexico constitutes an operation that is performed as a matter of course in the preparation or manufacture of finished goods; or

(2) Are imported under a duty-deferral program that are exported for repair or alteration and are not re-imported under a duty-deferral program.

(c) *Documentation.* The provisions of §§ 10.8(a), (b), and (c) of this chapter, relating to the documentary requirements for goods entered under subheading 9802.00.40 or 9802.00.50, HTSUS, will apply in connection with the entry of goods which are returned from Canada or Mexico after having been exported for repairs or alterations and which are claimed to be duty-free.

■ 55. Revise subpart K consisting of §§ 182.121 through 182.124 to read as follows:

Subpart K—Penalties

Sec.

182.121 General.

182.122 Corrected claim or certification of origin by importers

182.123 Corrected certification of origin by U.S. exporters or producers

182.124 Framework for correcting claims or certifications of origin

§ 182.121 General.

Except as otherwise provided in this subpart, all criminal, civil, or administrative penalties which may be imposed on U.S. importers, exporters, and producers for violations of the customs and related U.S. laws and regulations will also apply to U.S. importers, exporters, and producers for violations of the U.S. laws and regulations relating to the USMCA.

§ 182.122 Corrected claim or certification of origin by importers.

An importer who makes a corrected claim under § 182.11(c) will not be subject to civil or administrative penalties under 19 U.S.C. 1592 for having made an incorrect claim or having submitted an incorrect certification of origin, provided that the corrected claim is promptly and voluntarily made in accordance with § 182.124.

§ 182.123 Corrected certification of origin by U.S. exporters or producers.

Civil or administrative penalties provided for under 19 U.S.C. 1592 will not be imposed on an exporter or producer who completed a certification of origin for a good exported from the United States to Canada or Mexico when the exporter or producer promptly and voluntarily provides written notification pursuant to §§ 182.21(b) and 182.124 with respect to the making of an incorrect certification of origin.

§ 182.124 Framework for correcting claims or certifications of origin.

(a) *“Promptly and voluntarily” defined.* Except as provided for in paragraph (b) of this section, for purposes of this part, the making of a corrected claim or certification of origin by an importer or the providing of written notification of an incorrect certification of origin by an exporter or producer will be deemed to have been done promptly and voluntarily if:

(1)(i) Done before the commencement of a formal investigation, within the meaning of § 162.74(g) of this chapter; or

(ii) Done before any of the events specified in § 162.74(i) of this chapter has occurred; or

(iii) Done within 30 days after the importer, exporter, or producer initially becomes aware that the claim or certification is incorrect; and

(2) Accompanied by a statement setting forth the information specified in paragraph (c) of this section; and

(3) In the case of a corrected claim or certification of origin by an importer, accompanied or followed by a tender of any actual loss of duties and merchandise processing fees, if applicable, in accordance with paragraph (d) of this section.

(b) *Exception in cases involving fraud or subsequent incorrect claims—(1) Fraud.* Notwithstanding paragraph (a) of this section, a person who acted fraudulently in making an incorrect claim or certification of origin may not make a voluntary correction of that claim or certification of origin. For purposes of this paragraph, the term “fraud” will have the meaning set forth in paragraph (C)(3) of Appendix B to part 171 of this chapter.

(2) *Subsequent incorrect claims.* An importer who makes one or more incorrect claims after becoming aware that a claim involving the same merchandise and circumstances is invalid may not make a voluntary correction of the subsequent claims pursuant to paragraph (a) of this section.

(c) *Statement.* For purposes of this part, each corrected claim or

certification of origin must be accompanied by a statement, submitted in writing or via a CBP-authorized electronic data interchange system, which:

(1) Identifies the class or kind of good to which the incorrect claim or certification of origin relates;

(2) In the case of a corrected claim or certification of origin by an importer, identifies each affected import transaction, including each port of importation and the approximate date of each importation;

(3) In the case of a written notification of an incorrect certification of origin by an exporter or producer, identifies each affected export transaction, including each port of exportation and the approximate date of each exportation. A producer who provides written notification that certain information in a certification of origin is incorrect and who is unable to identify the specific export transactions under this paragraph must provide as much information concerning those transactions as the producer, by the exercise of good faith and due diligence, is able to obtain;

(4) Specifies the nature of the incorrect statements or omissions regarding the claim or certification of origin; and

(5) Sets forth, to the best of the person’s knowledge, the true and accurate information or data which should have been covered by or provided in the claim or certification of origin, and states that the person will provide any additional information or data which is unknown at the time of making the corrected claim or certification of origin within 30 days or within any extension of that 30-day period as CBP may permit in order for the person to obtain the information or data.

(d) *Tender of actual loss of duties.* A U.S. importer who makes a corrected claim must tender any actual loss of duties at the time of making the corrected claim, or within 30 days thereafter, or within any extension of that 30-day period as CBP may allow in order for the importer to obtain the information or data necessary to calculate the duties owed.

PART 190—MODERNIZED DRAWBACK

■ 56. The general and specific authority citations for part 190 continue to read as follows:

Authority: 5 U.S.C. 301; 19 U.S.C. 66, 1202 (General Note 3(i), Harmonized Tariff Schedule of the United States), 1313, 1624; §§ 190.2, 190.10, 190.15, 190.23, 190.38, 190.51 issued under 19 U.S.C. 1508;

* * * * *

§ 190.0 [Amended]

■ 57. Amend § 190.0 by adding the phrase “, and provisions relating to the Agreement Between the United States of America, the United Mexican States, and Canada (USMCA) are contained in subpart E of part 182 of this chapter” after the words “part 181 of this chapter”.

§ 190.0a [Amended]

■ 58. Amend § 190.0a as follows:

■ a. Add the words “and USMCA” after the term “NAFTA” in the paragraph heading;

■ b. Add the words “or part 182” after the number “181”.

§ 190.51 [Amended]

■ 59. Amend § 190.51(a)(2)(xv) as follows:

■ a. Add the words “and USMCA” after the words “For NAFTA”;

■ b. Remove the words “part 181” and add in their place the words “parts 181 and 182”;

■ c. Remove the words “to NAFTA countries”.

Troy A. Miller, the Senior Official Performing the Duties of the Commissioner, having reviewed and approved this document, is delegating

the authority to electronically sign this document to Robert F. Altneu, who is the Director of the Regulations and Disclosure Law Division for CBP, for purposes of publication in the **Federal Register**.

Robert F. Altneu,

Director, Regulations & Disclosure Law Division, Regulations & Rulings, Office of Trade, U.S. Customs and Border Protection.

Approved:

Timothy E. Skud,

Deputy Assistant Secretary of the Treasury.

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