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CFR PARTS AFFECTED IN THIS ISSUE

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

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Presidential Documents

Title 3—

The President

Executive Order 14039 of August 20, 2021

Blocking Property With Respect to Certain Russian Energy Export Pipelines

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) (IEEPA), the National Emergencies Act (50 U.S.C. 1601 *et seq.*) (NEA), the Protecting Europe's Energy Security Act of 2019 (Title LXXV, National Defense Authorization Act for Fiscal Year 2020, Public Law 116–92), as amended by section 1242 of the National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283) (PEESA), and section 301 of title 3, United States Code,

I, JOSEPH R. BIDEN JR., President of the United States of America, in order to take additional steps with respect to the national emergency declared in Executive Order 14024 of April 15, 2021 (Blocking Property With Respect To Specified Harmful Foreign Activities of the Government of the Russian Federation), hereby order:

Section 1. (a) With respect to any foreign person identified by the Secretary of State, in consultation with the Secretary of the Treasury, in a report to the Congress pursuant to section 7503(a)(1)(B) of PEESA, all property and interests in property of such person that are in the United States, that hereafter come within the United States, or that are or hereafter come within the possession or control of any United States person are blocked and may not be transferred, paid, exported, withdrawn, or otherwise dealt in.

(b) Sanctions under subsection (a) of this section shall not apply to any foreign person with respect to whom a waiver under section 7503(f) of PEESA has been issued.

(c) The prohibitions in subsection (a) of this section apply except to the extent provided by statutes, or in regulations, orders, directives, or licenses that may be issued pursuant to this order, and notwithstanding any contract entered into or any license or permit granted prior to the date of this order.

Sec. 2. The Secretary of State shall implement section 7503(b) of PEESA as it applies to visas, and the Secretary of Homeland Security shall implement section 7503(b) of PEESA as it applies to admission and parole. Such implementation shall be consistent with any exceptions or waivers provided by statute, or in regulations, orders, or directives that may be issued pursuant to this order.

Sec. 3. The prohibitions in section 1 of this order include:

(a) the making of any contribution or provision of funds, goods, or services by, to, or for the benefit of any person whose property and interests in property are blocked pursuant to this order; and

(b) the receipt of any contribution or provision of funds, goods, or services from any such person.

Sec. 4. (a) Any transaction that evades or avoids, has the purpose of evading or avoiding, causes a violation of, or attempts to violate any of the prohibitions set forth in this order is prohibited.

(b) Any conspiracy formed to violate any of the prohibitions set forth in this order is prohibited.

Sec. 5. I hereby determine that the making of donations of the types of articles specified in section 203(b)(2) of IEEPA (50 U.S.C. 1702(b)(2)) by, to, or for the benefit of any person whose property and interests in property are blocked pursuant to this order would seriously impair my ability to deal with the national emergency declared in Executive Order 14024, and I hereby prohibit such donations as provided by section 1 of this order.

Sec. 6. For the purposes of this order:

(a) the term ''entity'' means a partnership, association, trust, joint venture, corporation, group, subgroup, or other organization;

(b) the term ''foreign person'' means an individual or entity that is not a United States person;

(c) the term ''person'' means an individual or entity; and

(d) the term ''United States person'' means any United States citizen, lawful permanent resident, entity organized under the laws of the United States or any jurisdiction within the United States (including foreign branches), or any person in the United States.

Sec. 7. For those persons whose property and interests in property are blocked pursuant to this order who might have a constitutional presence in the United States, I find that because of the ability to transfer funds or other assets instantaneously, prior notice to such persons of measures to be taken pursuant to this order would render those measures ineffectual. I therefore determine that for these measures to be effective in addressing the national emergency declared in Executive Order 14024, there need be no prior notice of a listing or determination made pursuant to section 1 of this order.

Sec. 8. The Secretary of the Treasury, in consultation with the Secretary of State, is hereby authorized to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA and PEESA, as may be necessary to carry out the purposes of this order. The Secretary of the Treasury may, consistent with applicable law, redelegate any of these functions within the Department of the Treasury. All departments and agencies of the United States shall take all appropriate measures within their authority to carry out the provisions of this order.

Sec. 9. Nothing in this order shall prohibit transactions for the conduct of the official business of the Federal Government or the United Nations, including its programs, funds, and other entities and bodies, as well as its specialized agencies and related organizations, by employees, grantees, and contractors thereof.

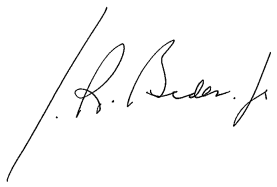
Sec. 10. (a) Nothing in this order shall be construed to impair or otherwise affect:

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

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

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

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.



THE WHITE HOUSE,
August 20, 2021.

[FR Doc. 2021–18306
Filed 8–23–21; 8:45 am]
Billing code 3295–F1–P

Rules and Regulations

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NUCLEAR REGULATORY COMMISSION

10 CFR Chapter I

[NRC–2021–0113]

RIN 3150–AK65

Miscellaneous Corrections; Correction

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule; correction.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is correcting a final rule that was published in the **Federal Register** on August 9, 2021. The rule amended NRC's regulations to make miscellaneous corrections, remove outdated reporting requirements, clarify language, add metric units, and insert missing language. This action is necessary to correct inadvertent errors in the final rule.

DATES: The correction takes effect on August 24, 2021.

ADDRESSES: Please refer to Docket ID NRC–2021–0113 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–2021–0113. Address questions about NRC dockets to Dawn Forder; telephone: 301–415–3407; email: *Dawn.Forder@nrc.gov.*
- *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, at 301–415–4737, or by email to *pdr.resource@nrc.gov.*
- *Attention:* The PDR, where you may examine and order copies of public documents, is currently closed. You may submit your request to the PDR via email at *pdr.resource@nrc.gov* or call 1–800–397–4209 between 8:00 a.m. and 4:00 p.m. (EST), Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Dawn Forder, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–3407, email: *Dawn.Forder@nrc.gov.*

SUPPLEMENTARY INFORMATION: In the **Federal Register** of August 9, 2021, in FR Doc. 2021–16662, the following corrections are made:

1. On page 43398, in the first column, in **SUPPLEMENTARY INFORMATION**, under the heading II. Summary of Changes, under *10 CFR Part 2,* the paragraph is corrected to read ''*Correct Spelling.* This final rule amends §§ 2.911(a), 2.1023(b) introductory text, and 2.1026(b)(1) to correct the spelling of ''preceeding'' to ''proceeding,'' ''respository'' to ''repository,'' and ''unforseen'' to ''unforeseen.'' ''

2. On page 43398, in the second column, under *10 CFR Part 35,* the third paragraph is corrected to read ''*Correct Phrase.* This final rule amends § 35.57(b)(2) to correct the phrase ''or a permit issued by a Commission master material license of broad scope on or before October 24, 2005,'' to ''or a permit issued in accordance with a Commission master material broad scope license on or before October 24, 2005,''.''

3. On page 43398, in the third column, under *10 CFR Part 70,* the second paragraph is corrected to read ''*Correct References.* This final rule amends § 70.32 to update references to the United States Code by amending paragraph (a)(9)(i)(B) by removing ''11 U.S.C. 101(14)'' and adding in its place ''11 U.S.C. 101(15)'', and amending paragraph (a)(9)(i)(C) by removing ''11 U.S.C. 101(a)'' and adding in its place ''11 U.S.C. 101(2)''.''

4. On page 43399, under the heading IX. Agreement State Compatibility, in the third column, the last paragraph, the first sentence is corrected to read ''The portions of this final rule that amend 10 CFR parts 20, 32, 35, 37, and 70 are a matter of compatibility between the NRC and the Agreement States, thereby providing consistency among Agreement State and NRC requirements, and are listed in the following table.''

5. On page 43399, in the table, the first entry is corrected to read

COMPATIBILITY TABLE

Section	Change	Subject	Compatibility	
			Existing	New
Part 20				
§ 20.2207(h)	Remove	Reports of transactions involving nationally tracked sources	B	

6. On page 43401, in the third column, instruction 12c is corrected to read ''c. In paragraphs (f)(2) and (3), remove ''OPM's'' and add in its place ''DCSA's''.''

7. On page 43402, in the first column, instruction 19 is corrected to read ''19. In § 35.57(b)(2), remove the phrase ''or a permit issued by a Commission master material license of broad scope on or before October 24, 2005,'' and add in its place the phrase ''or a permit issued in accordance with a Commission master material broad scope license on or before October 24, 2005,''.''

Dated: August 19, 2021.

For the Nuclear Regulatory Commission.

Cindy K. Bladey,

Branch Chief, Regulatory Analysis and Rulemaking Support Branch, Division of Rulemaking, Environmental, and Financial Support, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2021–18156 Filed 8–23–21; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0141; Project Identifier MCAI–2020–01162–T; Amendment 39–21669; AD 2021–16–07]

RIN 2120–AA64

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

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Airbus Defense and Space S.A. Model C–212–CB, C–212–CC, C–212–CD, C–212–CE, C–212–CF, C–212–DE, and C–212–DF airplanes. This AD was prompted by a report of cracks on the left-hand (LH) and right-hand (RH) side fuselage skin and on a certain frame underneath the skin, near the leading edge of the wing. This AD requires repetitive inspections of the LH and RH side center wing fairings at a certain frame, around the wing leading edge for discrepancies (cracks), and repair if necessary, as specified in a European Union Aviation Safety Agency (EASA) AD, which is incorporated by reference. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective September 28, 2021.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of September 28, 2021.

ADDRESSES: For material incorporated by reference (IBR) in this AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu;* internet *www.easa.europa.eu.* You may find this IBR material on the EASA website at *https://ad.easa.europa.eu.* You may view this IBR material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0141.

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–2021–0141; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

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

SUPPLEMENTARY INFORMATION:

Background

EASA, which is the Technical Agent for the Member States of the European Union, issued EASA AD 2020–0182, dated August 13, 2020 (EASA AD 2020–0182) (also referred to as the Mandatory Continuing Airworthiness Information, or the MCAI), to correct an unsafe condition for certain Airbus Defense and Space S.A Model C–212–CB, C–212–CC, C–212–CD, C–212–CE, C–212–CF, C–212–DD, C–212–DE, C–212–DF, C–212–EE and C–212–VA airplanes. Model C–212–DD, C–212–EE, and C–212–VA airplanes are not certificated by the FAA and are not included on the U.S. type certificate data sheet; this AD therefore does not include those airplanes in the applicability.

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Airbus Defense and Space S.A. Model C–212–CB, C–212–CC, C–212–CD, C–212–CE, C–212–CF, C–212–DE, and C–212–DF airplanes. The NPRM was published in the **Federal Register** on March 11, 2021 (86 FR 13841). The NPRM was prompted by a report of cracks on the LH and RH side fuselage skin and on frame (FR) 5 underneath the skin, near the leading edge of the wing. The NPRM proposed to require repetitive inspections of the LH and RH side center wing fairings at FR 5, around the wing leading edge for discrepancies (cracks), and repair if necessary, as specified in EASA AD 2020–0182.

The FAA is issuing this AD to address cracks on the LH and RH side fuselage skin and on FR 5 underneath the skin, near the leading edge of the wing, which could affect the structural integrity of the airplane. See the MCAI for additional background information.

Comments

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

Request To Allow Special Flight Permits

Ryan Air reported that it began detecting and repairing fuselage skin cracks on its fleet in 2018, and no new cracks have since been detected in more than 10,000 flight hours. Assuming the cracking did not all occur at the same time, Ryan Air questioned why the proposed AD would require repair before further flight. Ryan Air recommended that the proposed AD be revised to allow flying the airplane to a location where repairs can be made after finding cracks in this area.

The FAA notes that 14 CFR 39.23 allows flight to a repair facility for every AD, if the operations specifications (ops specs) for a particular operator give that authority, unless they are specifically prohibited or limited in an AD. Any operator who does not have the authority in their ops specs may contact their local FAA Flight Standards District Office to receive a special flight permit. No change to the AD is necessary as a result of this comment.

Request To Allow Certain Approvals

Ryan Air recommended that the proposed AD be revised to allow repairs approved by a part 25 structures designated engineering representative (DER). Ryan Air stated that repair approvals from Airbus Engineering and the FAA have taken four weeks or longer. Ryan Air asserted that grounding an airplane for more than a month—for a four-day repair—would be an unreasonable economic burden on affected operators, who are mostly small business owners.

The FAA disagrees with this request. This AD allows required repairs to be approved only by the FAA, EASA, or Airbus Defense and Space S.A.'s EASA Design Organization Approval (DOA). For approval by a part 25 structures DER for the corrective repair required by this AD, an operator must first request

approval of an alternative method of compliance (AMOC) in accordance with the procedures specified in paragraph (j)(1) of this AD. The FAA has not changed this AD as a result of this comment.

Conclusion

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

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

Related Service Information Under 1 CFR Part 51

EASA AD 2020–0182 describes procedures for repetitive detailed visual inspections of the LH and RH side center wing fairings at FR 5, around the wing leading edge for discrepancies (cracks) and repair. This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

The FAA estimates that this AD affects 45 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
3 work-hours @$85 per hour = $255	$0	$255	$11,475

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2021–16–07 Airbus Defense and Space S.A. (Formerly Known as Construcciones Aeronauticas, S.A.): Amendment 39–21669; Docket No. FAA–2021–0141; Project Identifier MCAI–2020–01162–T.

(a) Effective Date

This airworthiness directive (AD) is effective September 28, 2021.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus Defense and Space S.A. (formerly known as Construcciones Aeronauticas, S.A.) Model C–212–CB, C–212–CC, C–212–CD, C–212–CE, C–212–CF, C–212–DE, and C–212–DF airplanes, certificated in any category, as identified in European Union Aviation Safety Agency (EASA) AD 2020–0182, dated August 13, 2020 (EASA AD 2020–0182).

(d) Subject

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

(e) Reason

This AD was prompted by a report of cracks on the left-hand (LH) and right-hand (RH) side fuselage skin and on frame (FR) 5 underneath the skin, near the leading edge of the wing. The FAA is issuing this AD to address cracks on the LH and RH side fuselage skin and on FR 5 underneath the skin, near the leading edge of the wing, which could affect the structural integrity of the airplane.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, EASA AD 2020–0182.

(h) Exceptions to EASA AD 2020–0182

(1) Where EASA AD 2020–0182 refers to its effective date, this AD requires using the effective date of this AD.

(2) The ''Remarks'' section of EASA AD 2020–0182 does not apply to this AD.

(3) Where paragraph (2) of EASA AD 2020–0182 specifies to ''contact Airbus D&S for approved instructions and accomplish those instructions accordingly'' if discrepancies are detected, for this AD if any cracking is detected, the cracking must be repaired before further flight using a method approved by the Manager, Large Aircraft Section, International Validation Branch, FAA; or EASA; or Airbus Defense and Space S.A.'s EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(i) No Reporting Requirement

Although the service information referenced in EASA AD 2020–0182 specifies to submit certain information to the manufacturer in case of no finding, this AD does not include that requirement.

(j) Other FAA AD Provisions

The following provisions also apply to this AD:

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

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, Large Aircraft Section, International Validation Branch, FAA; or EASA; or Airbus Defense and Space S.A's EASA DOA. If approved by the DOA, the approval must include the DOA-authorized signature.

(k) Related Information

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

(l) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2020–0182, dated August 13, 2020.

(ii) [Reserved]

(3) For EASA AD 2020–0182, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu;* internet *www.easa.europa.eu.* You may find this EASA AD on the EASA website at *https://ad.easa.europa.eu.*

(4) You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. This material may be found in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0141.

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

Issued on July 23, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–18082 Filed 8–23–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0192; Project Identifier MCAI–2020–01580–T; Amendment 39–21662; AD 2021–16–01]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

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

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Airbus SAS Model A318 series airplanes; Model A319–111, –112, –113, –114, –115, –131, –132, –133, –151N, and –153N airplanes; Model A320 series airplanes; and Model A321 series airplanes. This AD was prompted by a determination that new or more restrictive airworthiness limitations are necessary. This AD requires revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations, as specified in a European Union Aviation Safety Agency (EASA) AD, which is incorporated by reference. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective September 28, 2021.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of September 28, 2021.

ADDRESSES: For material incorporated by reference (IBR) in this AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu;* internet *www.easa.europa.eu.* You may find this IBR material on the EASA website at *https://ad.easa.europa.eu.* You may view this IBR material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0192.

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–2021–0192; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

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

SUPPLEMENTARY INFORMATION:

Background

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2020–0219, dated October 12, 2020 (EASA AD 2020–0219) (also referred to as the mandatory continuing airworthiness information, or ''the MCAI''), to correct an unsafe condition for all Airbus SAS Model A318 series; Model A319–111, –112, –113, –114, –115, –131, –132, –133, –151N, and –153N; Model A320–211, –212, –214, –215, –216, –231, –232, –233, –251N, –252N, –253N, –271N, –272N, and –273N airplanes; and Model A321 series airplanes. Model A320–215 airplanes are not certificated by the FAA and are not included on the U.S. type certificate data sheet; this AD therefore does not include those airplanes in the applicability.

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Airbus SAS Model A318 series; Model A319–111, –112, –113, –114, –115, –131, –132, –133, –151N, and –153N; Model A320 series airplanes; and Model A321 series airplanes. The NPRM published in the **Federal Register** on March 26, 2021 (86

FR 16130). The NPRM was prompted by a determination that the new and more restrictive airworthiness limitations are necessary The NPRM proposed to require revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations, as specified in EASA AD 2020–0219.

The FAA is issuing this AD to address a safety-significant latent failure (that is not annunciated), which, in combination with one or more other specific failures or events, could result in a hazardous or catastrophic failure condition. See the MCAI for additional background information.

Comments

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

Support for the NPRM

The Air Line Pilots Association, International (ALPA) supported the NPRM.

Request To Clarify the Need for Paragraph (i) of the Proposed AD

Delta Air Lines (Delta) requested clarification on the need for paragraph (i) of the proposed AD. The commenter asked whether the paragraph was necessary since paragraph (k) of FAA AD 2020–22–16, Amendment 39–21312 (85 FR 70439, November 5, 2020) (AD 2020–22–16) allows the use of alternative actions/intervals if they are later-approved variations or revisions of Airbus A318/A319/A320/A321 Airworthiness Limitation Section (ALS) Part 3 Certification Maintenance Requirements (CMR) Revision 07 Issue 02, dated January 17, 2020, as specified in EASA AD 2020–0067, dated April 6, 2020.

The FAA does not agree that paragraph (k) of AD 2020–22–16 makes paragraph (i) of this AD unnecessary. The intent of paragraph (i) of this AD is to clarify that the termination action is for specific tasks in ALS Part 3 Variation 7.1 that were also required in accordance with AD 2020–22–16, not the entire ALS Part 3 document. Although operators are allowed to comply with later revisions of that document, they are not required to do so unless the FAA issues an AD requiring the incorporation of that later revision. Therefore, without the older versions of these tasks being terminated, operators would have to show compliance with both versions of these tasks. No change has been made to this AD.

Request To Clarify the Meaning of Paragraph (h) of the Proposed AD

Delta requested clarification about its understanding of paragraph (h) of the proposed AD. The commenter said it interpreted ''later approved revisions of this document'' to mean later approved variations of ALS Part 3, *e.g.,* Variation 7.2, 7.3, etc.

The FAA agrees with Delta's interpretation of paragraph (h) of this AD.

Request To Reduce the Number of ADs Required for Compliance

Delta expressed concern that multiple ADs would be required for compliance with ALS Part 3. The commenter noted that EASA AD 2021–0108, dated April 20, 2021, was recently issued and requires incorporating Airbus A318/A319/A320/A321 Airworthiness Limitations Section (ALS) Part 3 Variation 7.3. Delta stated that after the FAA AD associated with EASA AD 2021–0108 is published, operators will be required to show compliance with three ADs related to Airbus A318/A319/A320/A321 ALS Part 3 instead of the usual one. The FAA infers a request by Delta to reduce the number of ADs.

The FAA disagrees with reducing the number of ADs. While the FAA acknowledges that operators need to manage multiple ADs for compliance with ALS Part 3 (CMR), the FAA notes that two of the three EASA ADs require incorporating variations, rather than full revisions of Airbus A318/A319/A320/A321 ALS Part 3. Superseding AD 2020–22–16 would remove the requirement to show compliance with the full revision of the ALS document, potentially introducing an unsafe condition. In addition, the FAA notes that incorporation of the variations is necessary to mitigate an unsafe condition. Therefore, no change has been made to this AD.

Conclusion

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

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

Related Service Information Under 1 CFR Part 51

EASA AD 2020–0219 specifies new and more restrictive airworthiness limitations for certain safety valves. This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

The FAA estimates that this AD will affect 1,680 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD.

The FAA has determined that revising the existing maintenance or inspection program takes an average of 90 work-hours per operator. The agency recognizes that this number may vary from operator to operator. Since operators incorporate maintenance or inspection program changes for their affected fleet(s), the FAA has determined that a per-operator estimate is more accurate than a per-airplane estimate. Therefore, the agency estimates the average total cost per operator would be $7,650 (90 work-hours × $85 per work-hour).

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2021–16–01 Airbus SAS: Amendment 39–21662; Docket No. FAA–2021–0192; Project Identifier MCAI–2020–01580–T.

(a) Effective Date

This airworthiness directive (AD) is effective September 28, 2021.

(b) Affected ADs

This AD affects AD 2020–22–16, Amendment 39–21312 (85 FR 70439, November 5, 2020) (AD 2020–22–16).

(c) Applicability

This AD applies to the following Airbus SAS airplanes, certificated in any category, with an original airworthiness certificate or original export certificate of airworthiness issued on or before June 10, 2020:

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

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

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

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

(d) Subject

Air Transport Association (ATA) of America Code 05, Time Limits/Maintenance Checks.

(e) Reason

This AD was prompted by a determination that new or more restrictive airworthiness limitations are necessary. The FAA is issuing this AD to address a safety-significant latent failure (that is not annunciated), which, in combination with one or more other specific failures or events, could result in a hazardous or catastrophic failure condition.

(f) Compliance

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

(g) Requirements

Revise the existing maintenance or inspection program, as applicable, by incorporating task(s) and associated thresholds and intervals specified in paragraph (3) of European Union Aviation Safety Agency (EASA) AD 2020–0219, dated October 12, 2020 (EASA AD 2020–0219), except you are required to incorporate task(s) and associated thresholds and intervals within 90 days after the effective date of this AD. Record a compliance time for the initial tasks of either the applicable ''thresholds'' incorporated by the requirements of paragraph (3) of EASA AD 2020–0219 or 90 days after the effective date of this AD, whichever would occur later.

(h) Provisions for Alternative Actions and Intervals

After the existing maintenance or inspection program has been revised as required by paragraph (g) of this AD, no alternative actions (*e.g.,* inspections) and intervals are allowed unless they are approved as specified in the provisions of the ''Ref. Publications'' section of EASA AD 2020–0219.

(i) Terminating Action for Certain Requirements of AD 2020–22–16

Accomplishing the actions required by this AD terminates the corresponding requirements of AD 2020–22–16, for the tasks identified in the service information referred to in EASA AD 2020–0219 only.

(j) Other FAA AD Provisions

The following provisions also apply to this AD:

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

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

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

(k) Related Information

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

(l) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2020–0219, dated October 12, 2020.

(ii) [Reserved]

(3) For EASA AD 2020–0219, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu;* internet *www.easa.europa.eu.* You may find this EASA AD on the EASA website at *https://ad.easa.europa.eu.*

(4) You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. This material may be found in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0192.

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

Issued on July 20, 2021.

Gaetano A. Sciortino,

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

[FR Doc. 2021–18093 Filed 8–23–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2019–0597; Project Identifier 2019–NE–05–AD; Amendment 39–21670; AD 2021–16–08]

RIN 2120–AA64

Airworthiness Directives; CFM International, S.A. Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is superseding Airworthiness Directive (AD) 2019–12–05 for certain CFM International S.A. (CFM) CFM56–5B, CFM56–5C, and CFM56–7B model turbofan engines with a certain rotating air high-pressure turbine (HPT) front seal. AD 2019–12–05 required replacement of the affected rotating air HPT front seal with a part eligible for installation. This AD was prompted by cracks found in the rotating air HPT front seal. This AD requires replacement of affected rotating air HPT front seals installed on CFM CFM56–5B, CFM56–5C, and CFM56–7B model turbofan engines that have fewer cycles since being reconfigured than the engines affected by AD 2019–12–05. This AD also requires CFM56–5B or CFM56–7B model turbofan engines with a reconfigured rotating air HPT front seal that was previously operated in a CFM56–5C model turbofan engine to follow the removal requirements for the CFM56–5C model turbofan engine. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective September 28, 2021.

ADDRESSES: For service information identified in this final rule, contact CFM International, S.A., Aviation Operations Center, 1 Neumann Way, M/D Room 285, Cincinnati, OH 45125; phone: (877) 432–3272; email: *fleetsupport@ge.com*. You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call (781) 238–7759. It is also available at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2019–0597.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2019–0597; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Christopher McGuire, Aviation Safety Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: (781) 238–7120; fax: (781) 238–7199; email: *Chris.McGuire@faa.gov*.

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2019–12–05, Amendment 39–19660 (84 FR 28717, June 20, 2019), (AD 2019–12–05). AD 2019–12–05 applied to all CFM CFM56–5B, CFM56–5C, and CFM56–7B model turbofan engines with a certain rotating air HPT front seal. AD 2019–12–05 required replacement of the affected rotating air HPT front seal with a part eligible for installation. The actions required by AD 2019–12–05 were interim and only addressed the highest risk engines with an affected rotating air HPT front seal that have a specified number of cycles since being reconfigured.

The NPRM published in the **Federal Register** on October 23, 2019 (84 FR 56709). AD 2019–12–05 was prompted by cracks found in the rotating air HPT front seal. In the NPRM, the FAA proposed to retain the requirements of AD 2019–12–05 and extend those requirements to engines that have fewer cycles since being reconfigured.

After the NPRM was issued, CFM revised its service information that provides instructions for replacing the affected rotating air HPT front seal. In addition, the revised service information addresses CFM56–5B or CFM56–7B model turbofan engines with a reconfigured rotating air HPT front seal that was previously operated in a CFM56–5C model turbofan engine, and specifies that those engines follow the removal limits established for CFM56–5C model turbofan engines. In addition, the FAA determined changes to the proposed AD were necessary based on comments received on the NPRM.

Accordingly, the FAA issued a supplemental notice of proposed rulemaking (SNPRM), which published in the **Federal Register** on March 23, 2021 (86 FR 15436). In the SNPRM, the FAA proposed to retain the requirements of AD 2019–12–05 and expand the applicability to require the replacement of affected rotating air HPT front seals installed on CFM CFM56–5B, CFM56–5C, and CFM56–7B model turbofan engines that have fewer cycles since being reconfigured than the engines affected by AD 2019–12–05. In the SNPRM, the FAA also proposed to require that CFM56–5B and CFM56–7B model turbofan engines with a reconfigured rotating air HPT front seal that was previously operated in a CFM56–5C model turbofan engine follow the removal requirements of the CFM56–5C model turbofan engine. The FAA is issuing this AD to address the unsafe condition on these products.

Discussion of Final Airworthiness Directive

Comments

The FAA received comments from one commenter on the SNPRM. The commenter was The Boeing Company (Boeing). Boeing supported the proposed AD without change.

Conclusion

The FAA reviewed the relevant data, considered the comments received, and determined that air safety requires adopting the AD as proposed. Accordingly, the FAA is issuing this AD to address the unsafe condition on these products. This AD is adopted as proposed in the SNPRM.

Related Service Information

The FAA reviewed CFM Service Bulletin (SB) CFM56–5B S/B 72–1074, Revision 02, dated November 6, 2019; CFM SB CFM56–5C S/B 72–0794, Revision 02, dated November 6, 2019; and CFM SB CFM56–7B S/B 72–1042, Revision 02, dated November 6, 2019. CFM SB CFM56–5B S/B 72–1074, Revision 02, contains procedures for replacing the affected rotating air HPT front seal on CFM CFM56–5B model turbofan engines. CFM SB CFM56–5C S/B 72–0794, Revision 02, contains procedures for replacing the affected rotating air HPT front seal on CFM CFM56–5C model turbofan engines. CFM SB CFM56–7B S/B 72–1042, Revision 02, contains procedures for replacing the affected rotating air HPT front seal on CFM CFM56–7B model turbofan engines.

Costs of Compliance

The FAA estimates that this AD affects 4 engines installed on airplanes of U.S. registry.

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Replace the rotating air HPT front seal	1 work-hour × $85 per hour = $85	$344,600	$344,685	$1,378,740

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 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 2019–12–05, Amendment 39–19660 (84 FR 28717, June 20, 2019); and
■ b. Adding the following new airworthiness directive:

2021–16–08 CFM International, S.A.: Amendment 39–21670; Docket No. FAA–2019–0597; Project Identifier 2019–NE–05–AD.

(a) Effective Date

This airworthiness directive (AD) is effective September 28, 2021.

(b) Affected ADs

This AD replaces AD 2019–12–05, Amendment 39–19660 (84 FR 28717, June 20, 2019).

(c) Applicability

This AD applies to:

(1) CFM International, S.A. (CFM) CFM56–5B1, –5B2, –5B4, –5B5, –5B6, –5B7, –5B1/P, –5B2/P, –5B3/P, –5B4/P, –5B5/P, –5B6/P, –5B7/P, –5B8/P, –5B9/P, –5B3/P1, –5B4/P1, –5B1/2P, –5B2/2P, –5B3/2P, –5B4/2P, –5B6/2P, –5B9/2P, –5B3/2P1, –5B4/2P1, –7B20, –7B22, –7B24, –7B26, –7B27, –7B22/B1, –7B24/B1, –7B26/B1, –7B26/B2, –7B27/B1, –7B27/B3, –7B20/2, –7B22/2, –7B24/2, –7B26/2, –7B27/2, –7B27A model turbofan engines with a:

(i) Rotating air high-pressure turbine (HPT) front seal:

(A) With part number (P/N) 1795M36P01 or P/N 1795M36P02 and serial numbers (S/Ns) GWNDN949 through GWNSE969 or S/Ns GWN000CE through GWN0990L, not including S/Ns GWN08ND7, GWN0923A, GWN0971E, GWN098A1, GWN098W6, GWN098W8, GWN098WA, and GWN0990G, installed, and

(B) That has been removed from the original HPT disk and re-assembled to a different HPT disk.

(ii) [Reserved]

(2) CFM CFM56–5C2, –5C2/4, –5C2/F, –5C2/F4, –5C2/G, –5C2/G4, –5C2/P, –5C3/F, –5C3/F4, –5C3/G, –5C3/G4, –5C3/P, –5C4, –5C4/1, –5C4/P, –5C4/1P model turbofan engines with a:

(i) Rotating air HPT front seal:

(A) With P/N 1795M36P01 or P/N 1795M36P02 and S/Ns GWNDN949 through GWNSE969 or S/Ns GWN000CE through GWN0990L, not including S/Ns GWN08ND7, GWN0923A, GWN0971E, GWN098A1, GWN098W6, GWN098W8, GWN098WA, and GWN0990G, installed, and

(B) That has been removed from the original HPT disk and re-assembled to a different HPT disk.

(ii) [Reserved]

(d) Subject

Joint Aircraft System Component (JASC) Code 7250, Turbine Section.

(e) Unsafe Condition

This AD was prompted by cracks found in the rotating air HPT front seal. The FAA is issuing this AD to prevent failure of the rotating air HPT front seal. The unsafe condition, if not addressed, could result in the uncontained release of the rotating air HPT front seal, damage to the engine, and damage to the airplane.

(f) Compliance

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

(g) Required Actions

(1) For all affected CFM CFM56–5B and CFM56–7B model turbofan engines:

(i) If, on July 5, 2019 (the effective date of AD 2019–12–05), the rotating air HPT front seal has 7,000 cycles or greater since being reconfigured, remove the part from service within 50 cycles after July 5, 2019 (the effective date of AD 2019–12–05), or before further flight, whichever occurs later, and replace with a part eligible for installation.

(ii) If, on July 5, 2019 (the effective date of AD 2019–12–05), the rotating air HPT front seal has between 6,001 and 6,999 cycles, inclusive, since being reconfigured, remove the part from service within 500 cycles after July 5, 2019 (the effective date of AD 2019–12–05), but not to exceed 7,050 cycles since being reconfigured, or before further flight, whichever occurs later, and replace with a part eligible for installation.

(iii) For all remaining CFM56–5B and CFM56–7B model turbofan engines, remove the rotating air HPT front seal from service before accumulating 6,500 cycles since being reconfigured, or within 50 cycles after the effective date of this AD, whichever occurs later.

(2) For all affected CFM CFM56–5C model turbofan engines:

(i) If, on July 5, 2019 (the effective date of AD 2019–12–05), the rotating air HPT front seal has 4,250 cycles or greater since being reconfigured, remove the part from service within 25 cycles after July 5, 2019 (the effective date of AD 2019–12–05), within 1,500 cycles since the last fluorescent penetrant inspection (FPI) of the rotating air HPT front seal, or before further flight after the effective date of this AD, whichever occurs later, and replace with a part eligible for installation.

(ii) If, on July 5, 2019 (the effective date of AD 2019–12–05), the rotating air HPT front seal has between 3,751 and 4,249 cycles, inclusive, since being reconfigured, remove the part from service within 250 cycles after July 5, 2019 (the effective date of AD 2019–12–05), before accumulating 4,275 cycles since being reconfigured, within 1,500 cycles since the last FPI of the rotating air HPT front seal, or before further flight after the effective date of this AD, whichever occurs later, and replace with a part eligible for installation.

(iii) For all remaining CFM CFM56–5C model turbofan engines, remove the rotating air HPT front seal from service before accumulating 4,000 cycles since being reconfigured, or within 50 cycles after the effective date of this AD, whichever occurs later.

(3) For CFM56–5B or CFM56–7B model turbofan engines with an affected rotating air HPT front seal that has been operated in a CFM56–5C model turbofan engine since being reconfigured, remove the rotating air HPT front seal from service using the cycle limits in paragraph (g)(2) of this AD.

(h) Definition

For the purpose of this AD, ''reconfigured'' occurs when a rotating air HPT front seal has been removed from the original HPT disk and re-assembled to a different HPT disk.

(i) Installation Prohibition

After the effective date of this AD, do not assemble any rotating air HPT front seal with greater than 0 cycles since new, having a S/N listed in paragraph (c) of this AD onto a HPT disk unless it is the same S/N HPT disk on which it has previously been assembled.

(j) Alternative Methods of Compliance (AMOCs)

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

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

(k) Related Information

For more information about this AD, contact Christopher McGuire, Aviation Safety Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: (781) 238–7120; fax: (781) 238–7199; email: *Chris.McGuire@faa.gov.*

(l) Material Incorporated by Reference

None.

Issued on July 29, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–18165 Filed 8–23–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SAFETY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2021–0656]

RIN 1625–AA00

Safety Zone; Solo Swim, Rhode Island Sound, Block Island, RI

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on the navigable waters of Rhode Island Sound within 500 yards of the swimmer crossing the channel from Block Island, Rhode Island to East Matunuck, Rhode Island. This safety zone is needed to protect the swimmer, event sponsors' safety vessels, and others in the maritime community from the safety hazards that may arise during his event. When enforced, entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port Sector Southeastern New England or a designated representative.

DATES: This rule is effective from 6 a.m. on August 23, 2021, through 2 p.m. on August 25, 2021. But it will only be subject to enforcement from 6 a.m. to 2 p.m. on one of these dates.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type USCG–2021–0656 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Petty Officer Joshua Herriott, Sector Southeastern New England, U.S. Coast Guard; telephone (401) 435–2342, email *SENEWWM@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
COTP Captain of the Port Sector Southeastern New England
DHS Department of Homeland Safety
FR Federal Register
NPRM Notice of Proposed Rulemaking
§ Section
U.S.C. United States Code

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are impracticable. Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because publishing an NPRM would be impracticable and contrary to the public interest. The Coast Guard was notified of the swim event from Block Island, Rhode Island to East Matunuck, Rhode Island without ample time to allow for a reasonable comment period and consider those comments before issuing the rule. The safety zone must be established by August 23, 2021, to protect the swimmer, as well as spectators and areas in the area during the ''Solo Swim'' event.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be impracticable because action is needed to protect the swimmer and ensure the safety in the navigable waters within the safety zone during the ''Solo Swim'' event.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034 (previously 33 U.S.C. 1231). The Captain of the Port Sector Southeastern New England (COTP) has determined that potential hazards exist while the swimmer is crossing the recommended vessel route. This rule is needed to protect personnel, vessels, and the marine environment in the navigable waters within the safety zone.

IV. Discussion of the Rule

The Coast Guard is establishing a temporary safety zone in Rhode Island Sound for all navigable waters within 500 yards of the swimmer crossing the recommended vessel route at approximately 41–17.5N, 71–32.0W, during his participation in the ''Solo Swim'' from Block Island, Rhode Island to East Matunuck, Rhode Island. No vessel or person will be permitted to

enter the safety zone on one day between August 23, 2021, and August 25, 2021, from 6 a.m. through 2 p.m. Although the safety zone will only be enforced on a single day between August 23, 2021 and August 25, 2021 the additional days will allow the swimmer a weather window to conduct a safe swim. Entry into this safety zone is prohibited unless specifically authorized by the COTP or their designated representative. A designated representative is a commissioned, warrant, or petty officer of the U.S. Coast Guard assigned to units under the operational control of U.S. Coast Guard Sector Southeastern New England.

Requests for entry will be considered and reviewed on a case-by-case basis. The COTP may be contacted by telephone at 508–457–3211 or can be reached by VHF–FM channel 16. Persons and vessels permitted to enter this safety zone must transit at their slowest safe speed and comply with all lawful directions issued by the COTP or the designated representative.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size, location, duration, and time-of-year of the safety zone. This safety zone will restrict vessel traffic from entering or transiting in all navigable waters in Rhode Island Sound for all navigable waters within 500 yards of the swimmer crossing the recommended vessel route at approximately 41–17.5N, 71–32.0W, during his participation in the ''Solo Swim'' from Block Island, Rhode Island to East Matunuck, Rhode Island. Moreover, the Coast Guard will issue Broadcast Notice to Mariners via VHF–FM marine channel 16 about the zone, and the rule allows vessels to seek permission to enter the zone.

B. Impact on Small Entities

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

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

A rule has implications for federalism under 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 Safety Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a safety zone on one day between August 23, 2021 and August 25, 2021, from 6:00 a.m. through 2:00 p.m. that will prohibit entry all navigable waters in Rhode Island Sound for all navigable waters within 500 yards of the swimmer crossing the recommended vessel route at approximately 41–17.5N, 71–32.0W, during his participation in the ''Solo Swim'' from Block Island, Rhode Island to East Matunuck, Rhode Island. It is categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A Record of Environmental Consideration

supporting this determination is available in the docket. For instructions on locating the docket, see the **ADDRESSES** section of this preamble.

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

Authority: 46 U.S.C. 70034, 70051; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Safety Delegation No. 0170.1, Revision No. 01.2.

■ 2. Add § 165.T01–0656 to read as follows:

§ 165.T01–0656 Safety zone; Block Island Sound, Block Island, RI.

(a) *Location.* The following area is a safety zone: All navigable waters in Rhode Island Sound within 500 yards of the swimmer crossing the recommended vessel route at approximately 41–17.5N, 71–32.0W, during his participation in the ''Solo Swim'' from Block Island, Rhode Island to East Matunuck, Rhode Island.

(b) *Enforcement period.* This section will be enforced from 6 a.m. through 2 p.m. on August 23, 2021, August 24, 2021, or August 25, 2021.

(c) *Regulations.* (1) Under the general safety zone regulations in subpart C of this part, you may not enter the safety zone described in paragraph (a) of this section unless authorized by the COTP or the COTP's designated representative. A designated representative is a commissioned, warrant, or petty officer of the U.S. Coast Guard assigned to units under the operational control of U.S. Coast Guard Sector Southeastern New England.

(2) Vessels requiring entry into this safety zone must request permission from the COTP or a designated representative. To seek entry into the safety zone, contact the COTP or the COTP's representative by telephone at 508–457–3211 or on VHF–FM channel 16.

(3) Persons and vessels permitted to enter this safety zone must transit at their slowest safe speed and comply with all lawful directions issued by the COTP or the designated representative.

(d) *Information broadcasts.* The COTP or a designated representative will inform the public through Broadcast Notice to Mariners of any changes in the planned schedule.

Dated: August 18, 2021.

P.J. Mangini,

Commander, U.S. Coast Guard, Acting Captain of the Port Sector Southeastern New England.

[FR Doc. 2021–18095 Filed 8–23–21; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 70

[EPA–R07–OAR–2021–0416; FRL–8695–02–R7]

Air Plan Approval; Missouri; Revision to Emission Data, Emission Fees and Process Information Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve a State Implementation Plan (SIP) and Operating Permits Program revision submitted by the State of Missouri on May 25, 2021. These revisions update the listed emission reporting years and update the emissions fee for permitted sources as set by Missouri Statute from $48 per ton of air pollution emitted annually to $53 in calendar year 2021 and $55 per ton of air pollution emitted annually for emissions in calendar year 2022 and beyond; effective March 30, 2021.

DATES: This final rule is effective on September 23, 2021.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R07–OAR–2021–0416. All documents in the docket are listed on the *https://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *i.e.,* 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 *https://www.regulations.gov* or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional information.

FOR FURTHER INFORMATION CONTACT: Jason Heitman, Environmental Protection Agency, Region 7 Office, Air Quality Planning Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219; telephone number: (913) 551–7664; email address: *heitman.jason@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document ''we,'' ''us,'' and ''our'' refer to EPA. A technical support document (TSD) is included in the rulemaking docket for the proposed rule.

Table of Contents

I. Background

On June 30, 2021, the EPA proposed to approve Missouri's submitted SIP and Operating Permits Program revision in the **Federal Register** (86 FR 34677). The EPA solicited comments on the proposed approval of the submission and received no comments.

II. What is being addressed in this document?

The EPA is approving revisions to the Missouri State Implementation Plan (SIP) and title V Operating Permits Program, 10–6.110 ''Reporting Emission Data, Emission Fees, and Process Information,'' submitted to the EPA on May 25, 2021. Revisions to the program include updating emission reporting years and increasing the annual emission fee. The annual emission fee will increase from $48 per ton of air pollution emitted annually to $53 in calendar year 2021 and increase again to $55 per ton of air pollution emitted annually for emissions in calendar year 2022 and beyond; effective March 30, 2021.

III. Have the requirements for approval of a SIP and part 70 revision been met?

The State met the public notice requirements for SIP submissions in accordance with 40 CFR 51.102. The submission also satisfied the completeness criteria of 40 CFR part 51, appendix V. The State provided a public comment period for this Operating Permits Program and SIP revision from August 17, 2020, to October 1, 2020, and received one comment in support of the

revision. The revision meets the substantive SIP requirements of the Clean Air Act (CAA), including section 110 and implementing regulations and is consistent with applicable EPA requirements in title V of the CAA and 40 CFR part 70. The public comment period on the EPA's proposed rule opened June 30, 2021, the date of its publication in the **Federal Register**, and closed on July 30, 2021. During this period, the EPA received no comments.

IV. What action is the EPA taking?

The EPA is approving the State's revision to 10 C.S.R. 10–6.110 ''Reporting Emission Data, Emission Fees, and Process Information'', submitted by the State of Missouri on May 25, 2021. This revision updates the emissions fee for permitted sources in section (3)(A) and the emission reporting years in Table 4 of section (4)(B), as set by Missouri Statute. Specifically, section (3)(A) revises the emission fees section, which is approved under the Operating Permits Program only, and updates the emissions fee for permitted sources as set by Missouri Statute from $48 per ton of air pollution emitted annually to $53 in calendar year 2021 and $55 per ton of air pollution emitted annually for emissions in calendar year 2022 and beyond; effective March 30, 2021. Additional information on the EPA's analysis can be found in the Technical Support Document (TSD) included in this docket.

V. Incorporation by Reference

The EPA is including regulatory text in this EPA final rule that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is incorporating by reference the Missouri Regulation described in the amendments to 40 CFR part 52 set forth below. The EPA has made, and will continue to make, these materials generally available through *www.regulations.gov* and at the EPA Region 7 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

VI. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the 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 CAA. 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 of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of the National Technology Transfer and Advancement Act (NTTA) because this rulemaking does not involve technical standards; and
- Does not provide the EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

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

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. The EPA will submit a report containing this 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 October 25, 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

40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Reporting and recordkeeping requirements.

40 CFR Part 70

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Operating permits, Reporting and recordkeeping requirements.

Dated: August 12,2021.

Edward H. Chu,

Acting Regional Administrator, Region 7.

For the reasons stated in the preamble, the EPA amends 40 CFR parts 52 and 70 as set forth below:

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 AA–Missouri

■ 2. In § 52.1320, the table in paragraph (c) is amended by revising the entry ''10–6.110'' to read as follows:

§ 52.1320 Identification of plan.

* * * * *

(c) * * *

EPA–APPROVED MISSOURI REGULATIONS

Missouri citation	Title	State effective date	EPA approval date	Explanation
Missouri Department of Natural Resources				
*	*	*	*	*
Chapter 6—Air Quality Standards, Definitions, Sampling and Reference Methods, and Air Pollution Control Regulations for the State of Missouri				
*	*	*	*	*
10–6.110	Reporting Emission Data, Emission Fees, and Process Information.	3/30/2021	8/24/2021, [Insert **Federal Register** citation].	Section (3)(A), Emission Fees, has not been approved as part of the SIP.
*	*	*	*	*

* * * * *

PART 70—STATE OPERATING PERMIT PROGRAMS

■ 3. The authority citation for part 70 continues to read as follows:

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

■ 4. In appendix A to part 70 the entry for ''Missouri'' is amended by adding paragraph (jj) to read as follows:

Appendix A to Part 70—Approval Status of State and Local Operating Permits Programs

* * * * *

Missouri

* * * * *

(jj) The Missouri Department of Natural Resources submitted revisions to Missouri rule 10 CSR 10–6.110, ''Reporting Emission Data, Emission Fees, and Process Information'' on May 25, 2021. The state effective date is March 30, 2021. This revision is effective September 23, 2021.

* * * * *

[FR Doc. 2021–17713 Filed 8–23–21; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[Docket No. FWS–R1–ES–2018–0044; FF09E21000 FXES11110900000 212]

RIN 1018–BD25

Endangered and Threatened Wildlife and Plants; Endangered Species Status for Franklin's Bumble Bee

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), are listing the Franklin's bumble bee (*Bombus franklini),* an invertebrate species from Douglas, Jackson, and Josephine Counties in Oregon, and Siskiyou and Trinity Counties in California, as an endangered species under the Endangered Species Act of 1973, as amended (Act). This rule adds this species to the Federal List of Endangered and Threatened Wildlife and applies the protections of the Act to this species. We are not designating critical habitat for the Franklin's bumble bee because we determined that such a designation would not be beneficial to the species.

DATES: This rule is effective September 23, 2021.

ADDRESSES: This final rule and supporting documents are available on the internet at *http://www.regulations.gov* in Docket No. FWS–R1–ES–2018–0044, or at *https://ecos.fws.gov.*

FOR FURTHER INFORMATION CONTACT: Paul Henson, Field Supervisor, U.S. Fish and Wildlife Service, Oregon Fish and Wildlife Office, 2600 SE 98th Ave., Suite 100, Portland, OR 97266; telephone 503–231–6179. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service at 800–877–8339.

SUPPLEMENTARY INFORMATION:

Executive Summary

Why we need to publish a rule. Under the Act, if we determine that a species may be an endangered or threatened species throughout all or a significant portion of its range, we are required to promptly publish a proposal in the **Federal Register** and make a determination on our proposal within 1 year. To the maximum extent prudent and determinable, we must designate critical habitat for any species that we determine to be an endangered or threatened species under the Act. Listing a species as an endangered or threatened species and designation of critical habitat can only be completed by issuing a rule.

What this document does. This rule lists Franklin's bumble bee (*Bombus franklini*) as an endangered species under the Act. We are not designating critical habitat because we determined that a designation is not prudent for this species.

The basis for our action. Under the Act, we may determine that a species is an endangered or threatened species because of any of five factors: (A) The present or threatened destruction, modification, or curtailment of its habitat or range; (B) overutilization for commercial, recreational, scientific, or educational purposes; (C) disease or predation; (D) the inadequacy of existing regulatory mechanisms; or (E) other natural or manmade factors affecting its continued existence. We have determined that Franklin's bumble bee meets the definition of an endangered species and therefore warrants protection under the Act. The threats to the species of pathogens, pesticides, and small population size are ongoing and rangewide; they are likely to continue to act individually and in combination to decrease the viability of the Franklin's bumble bee. The risk of extinction is high, the suspected threats to the species persist, and the number of remaining Franklin's bumble bees is presumably very small, as the species has not been observed since 2006. Existing regulatory mechanisms or conservation measures in place do not appreciably reduce or ameliorate the existing threats to the

species, as evidenced by the species' acute and rangewide decline. Therefore, on the basis of the best available scientific and commercial information, we are listing the Franklin's bumble bee as endangered in accordance with sections 3(6) and 4(a)(1) of the Act.

Section 4(a)(3) of the Act requires the Secretary of the Interior (Secretary) to designate critical habitat concurrent with listing to the maximum extent prudent and determinable. Section 3(5)(A) of the Act defines critical habitat as (i) the specific areas within the geographical area occupied by the species, at the time it is listed, on which are found those physical or biological features (I) essential to the conservation of the species and (II) which may require special management considerations or protections; and (ii) specific areas outside the geographical area occupied by the species at the time it is listed, upon a determination by the Secretary that such areas are essential for the conservation of the species. Section 4(b)(2) of the Act states that the Secretary must make the designation on the basis of the best scientific data available and after taking into consideration the economic impact, the impact on national security, and any other relevant impacts of specifying any particular area as critical habitat. Because the present or threatened destruction, modification, or curtailment of habitat is not a threat to the Franklin's bumble bee (disease and other manmade factors are likely the primary threat to the species within its habitat), in accordance with 50 CFR 424.12(a)(1), we determine that designating critical habitat is not prudent for Franklin's bumble bee.

Peer review and public comment. We sought the expert opinions of 10 appropriate and independent specialists regarding the species status assessment report. We received responses from 5 specialists, which informed our determination. We also considered all 53 comments and information received from the public during the comment period.

Previous Federal Actions

Please refer to the proposed rule (84 FR 40006) for Franklin's bumble bee published on August 13, 2019, for a detailed description of previous Federal actions concerning this species.

On August 27, 2019, the Service published a final rule (84 FR 45020) revising the regulations at 50 CFR part 424 for listing species and designating critical habitat. However, the revisions apply only to relevant rulemakings for which the proposed rule is published after September 26, 2019, the effective date of the final rule. Thus, the prior version of the regulations at 50 CFR part 424 continues to apply to any rulemakings for which a proposed rule was published before September 26, 2019, including this final rule for Franklin's bumble bee.

Summary of Changes From the Proposed Rule

We considered all comments and information we received during the comment period for the proposed rule to list the Franklin's bumble bee (84 FR 40006; August 13, 2019). Based on these comments and additional internal review, we made the following changes from the proposed rule in this final rule:

- Added to this rule and the SSA report additional climate change information and analysis, as well as discussion on the likely effects of other potential threats in the future;
- Updated this rule and the SSA report with information from the 2019 survey season;
- Corrected a mathematical error in our presentation of neonicotinoid pesticide applications in the historical range of the species in this rule and in the SSA report;
- Added information from the SSA report to this rule regarding nectaring behavior, as well as the commercialization of bumble bees for pollination;
- Updated information in this rule on pesticide regulation on National Wildlife Refuge System lands;
- Added further detail in the rule on Tribal notifications;
- Added several citations and clarifications to the rule to further support content; and
- Made minor editorial changes to the rule to improve readability.

We carefully considered the additional information we received during the comment period, and while much of this information was helpful, it did not result in any further changes from our proposal to this final rule to list Franklin's bumble bee as endangered, nor did it result in a change to our determination that designation of critical habitat is not prudent at this time.

Supporting Documents

A species status assessment (SSA) team prepared an SSA report for Franklin's bumble bee. The SSA team was composed of Service biologists, in consultation with other species experts. The SSA report represents a compilation of the best scientific and commercial data available concerning the status of the species, including the impacts of past, present, and future factors (both negative and beneficial) affecting the species.

In accordance with our joint policy on peer review published in the **Federal Register** on July 1, 1994 (59 FR 34270), we sought the expert opinions of 10 appropriate and independent specialists regarding the scientific basis for this proposed rule, detailed in the Franklin's Bumble Bee Species Status Assessment report (SSA report) (Service 2018a, entire). We received five reviews. The purpose of peer review is to ensure that our listing and critical habitat determinations are based on scientifically sound data, assumptions, and analyses. The peer reviewers have expertise in Franklin's bumble bee or *Bombus* biology and habitat, and their comments helped inform our determinations. We also invited comment on the SSA report from our partner agencies; the U.S. Forest Service, the Bureau of Land Management, and the Oregon Department of Agriculture provided us with comments. The comments from peer and partner reviews were carefully considered in the process of finalizing the SSA report that provided the scientific basis for both the proposed rule and this final rule. These comments, along with other public comments on our proposed rule, are available in the docket for this final rule (*http://www.regulations.gov* in Docket No. FWS–R1–ES–2018–0044).

I. Final Listing Determination

Background

A thorough review of the taxonomy, life history, and ecology of Franklin's bumble bee is presented in the SSA report (Service 2018a, entire) on *http://www.regulations.gov* under Docket No. FWS–R1–ES–2018–0044. Franklin's bumble bee is thought to have the most limited distribution of all known North American bumble bee species (Plowright and Stephen 1980, p. 479; Xerces Society and Thorp 2010, p. 6), and one of the most limited geographic distributions of any bumble bee in the world (Frison 1922, p. 315; Williams 1998, p. 129). The species has been recorded from the Umpqua and Rogue River Valleys in Oregon (Stephen 1957, p. 81) and from northern California, suggesting its restriction to the Klamath Mountain region of southern Oregon and northern California (Thorp *et al.* 1983, p. 8). Elevations where it has been observed range from 162 meters (m) (540 feet (ft)) in the northern part of its range, to over 2,340 m (7,800 ft) in the southern part of its range. All confirmed specimens have been found in an area about 306 kilometers (km) (190 miles

(mi)) to the north and south, and 113 km (70 mi) east to west, between 122° to 124° west longitude and 40° 58′ to 43° 30′ north latitude in Douglas, Jackson, and Josephine Counties in southern Oregon, and Siskiyou and Trinity Counties in northern California (Thorp 1999, p. 3; Thorp 2005, p. 1; International Union for Conservation of Nature 2009, p. 1).

Franklin's bumble bee was first observed in 1917, and first described in 1921, and limited occurrence and observation data exist for Franklin's bumble bee prior to 1998. The species has been found on many privately owned sites as well as municipal, State, and Federal land. Historical observations and occurrence data for Franklin's bumble bee prior to 1998 include opportunistic observations, student collections, and museum specimens, as well as the collections and notes of interested parties, natural resource managers, and university staff (Xerces Society and Thorp 2010, pp. 34–40). A more intensive and targeted search effort for the species began in 1998, in areas thought to have the highest likelihood of Franklin's bumble bee presence. There was initial success at finding a higher abundance of the species than ever previously reported; in one year (1998), 98 Franklin's bumble bees were observed (mostly from two sites). However, in subsequent years, searchers found fewer and fewer Franklin's bumble bees, and none have been found since the last sighting of a single individual in Oregon in 2006. The variations in timing, scope, intensity, and methodology of search efforts (including those since 1998) and the lack of observations since 2006 prevent the identification of any population trends. Many of the occurrence records provide only point data for an occurrence, with no details on the size of the area searched or whether or not the record reflected a comprehensive search of an area. Many records also lack details on the level of survey effort per location (number of searchers, hours of search effort per day, number of days per search effort).

The lack of systematic surveys across the historical range of the species over time prevents us from using occurrence records to extrapolate reasonable estimates of species abundance or distribution or from concluding that the species is extinct. Even though none have been seen since 2006, Franklin's bumble bee populations could potentially persist undetected. The areas chosen for survey were selected due to a combination of abundance of floral resources throughout the colony cycle, relatively recent historical occurrence of the species, and accessibility to surveyors. However, the surveyed area represents a relatively small percentage of the historical range of the Franklin's bumble bee; therefore, it is possible the species may persist in other areas of the range. There are numerous instances of species rediscovered after many years, even decades, of having been believed extinct (*e.g.,* Scheffers *et al.* 2011, entire). As one example of such a case, the Fender's blue butterfly (*Icaricia icarioides fenderi*) of Oregon was believed extinct after the last recorded observation in 1937, until it was rediscovered in 1989, 52 years later (Hammond and Wilson 1992, p. 175; Hammond and Wilson 1993, p. 2). Recent approaches to evaluating extinction likelihood place increased emphasis on the extensiveness and adequacy of survey effort (Keith *et al.* 2017, p. 321; Thompson *et al.* 2017, p. 328), and caution against declaring a species as extinct in the face of uncertainty (Akçakaya *et al.* 2017, p. 340).

The specific life-history characteristics and behavior of this rare species have not been studied; much of the information presented in the SSA report (Service 2018a, entire) is inferred from information on *Bombus* in general and some closely related species (western bumble bee (*B. occidentalis*), rusty patched bumble bee (*B. affinis*), and yellow-faced bumble bee *(B. vosnesenskii*), among others). The report also relied heavily on information from species experts (Service 2018a, entire).

Franklin's bumble bee is a primitively eusocial bumble bee, meaning they are highly social and adults have flexible roles in their social order. They live in colonies made up of a queen and her male and worker offspring, and adult females can switch from worker to queen roles. Like other eusocial *Bombus* species, Franklin's bumble bee typically nests underground in abandoned rodent burrows or other cavities that offer resting and sheltering places, food storage, nesting, and room for the colony to grow (Plath 1927, pp. 122–128; Hobbs 1968, p. 157; Thorp *et al.* 1983, p. 1; Thorp 1999, p. 5). The species may also occasionally nest on the ground (Thorp *et al.* 1983, p. 1) or in rock piles (Plowright and Stephen 1980, p. 475). It has even been found nesting in a residential garage in the city limits of Medford, Oregon (Thorp 2017, pers. comm.).

Colonies of Franklin's bumble bee have an annual cycle, initiated each spring when solitary queens emerge from hibernation and seek suitable nest sites (Thorp 2017, pers. comm.). Colonies may contain from 50 to 400 workers along with the founding queen (Plath 1927, pp. 123–124; Thorp *et al.* 1983, p. 2; Macfarlane *et al.* 1994, p. 7). Two colonies of Franklin's bumble bee that were initiated in the laboratory and set out to complete development in the field contained over 60 workers by early September, and likely produced over 100 workers by the end of the season (Plowright and Stephen 1980, p. 477). The flight season of Franklin's bumble bee is from mid-May to the end of September (Thorp *et al.* 1983, p. 30); a few individuals have been encountered in October (Southern Oregon University Bee Collection records, *in* Xerces Society and Thorp 2010, Appendix 1, p. 39). At the end of the colony cycle, all the workers and the males die along with the founding queen; only the inseminated hibernating females (gynes) are left to carry on the genetic lineage into the following year (Duchateau and Velthius 1988).

As with all *Bombus* species, Franklin's bumble bee has a unique genetic system called the haplodiploid sex determination system. In this system, unfertilized (haploid) eggs become males that carry a single set of chromosomes, and fertilized (diploid) eggs become females that carry two sets of chromosomes. This system may result in lower levels of genetic diversity than the more common diploid-diploid sex determination system, in which both males and females carry two sets of chromosomes. Haplodiploid organisms may be more prone to population extinction than diploid-diploid organisms, due to their susceptibility to low population levels and loss of genetic diversity (Service 2018a, p. 37). Inbreeding depression in bumble bees can lead to the production of sterile diploid males (Goulson *et al.* 2008, p. 11.7) and negatively affects bumble bee colony size (Herrman *et al.* 2007, p. 1167), which are key factors in a colony's reproductive success.

As one of the rarest *Bombus* species, Franklin's bumble bees are somewhat enigmatic, and a specific habitat study for the species has not been completed. Such a study was initiated in 2006, when the Franklin's bumble bee was last seen, but could not continue due to the subsequent absence of the species (Thorp 2017, pers. comm.). However, some general habitat associations of *Bombus* are known. Like all bumble bees, the Franklin's bumble bee requires a constant and diverse supply of flowers that bloom throughout the colony's life cycle, from spring to autumn (Xerces Society and Thorp 2010, p. 11); these resources would typically be found in open (non-forested) meadows in proximity to seeps and other wet

meadow environments. The nectar from flowers provides carbohydrates, and the pollen provides protein. Franklin's bumble bee may have a foraging distance of up to 10 km (6.2 mi) (Thorp 2017, pers. comm.), but the species' typical dispersal distance is most likely 3 km (1.86 mi) or less (Hatfield 2017, pers. comm.; Goulson 2010, p. 96). Franklin's bumble bee have been observed collecting pollen from lupine (*Lupinus* spp.) and California poppy (*Eschscholzia californica*), and collecting nectar from horsemint or nettle-leaf giant hyssop (*Agastache urticifolia*) and mountain monardella (*Monardella odoratissima*) (Xerces Society and Thorp 2010, p. 11). Franklin's bumble bee may also collect both pollen and nectar from vetch (*Vicia* spp.), as well as rob nectar from it (Xerces Society and Thorp 2010, p. 11). Short-tongued species, including Franklin's bumble bee, sometimes visit flowers that are quite elongated and have difficulty reaching nectar deep in the flower. These bees can 'rob nectar' by chewing a hole on the outside of the flower at the base, through which they can easily reach the nectar with their tongues.

In summary, Franklin's bumble bee has been found in a wide array of sheltered and exposed habitat types at a broad elevational range, and the species appears to be a generalist forager. Despite uncertainties regarding the species' habitat needs, we know they need (1) floral resources for nectaring throughout the colony cycle, and (2) relatively protected areas for breeding and shelter. The habitat elements that Franklin's bumble bee appears to prefer to fulfill those needs mentioned above are relatively plentiful and widely distributed.

Regulatory and Analytical Framework

Regulatory Framework

Section 4 of the Act (16 U.S.C. 1533) and its implementing regulations (50 CFR part 424) set forth the procedures for determining whether a species is an ''endangered species'' or a ''threatened species.'' The Act defines an endangered species as a species that is ''in danger of extinction throughout all or a significant portion of its range,'' and a threatened species as a species that is ''likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.'' The Act requires that we determine whether any species is an ''endangered species'' or a ''threatened species'' because of any of the following factors:

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

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

(C) Disease or predation;

(D) The inadequacy of existing regulatory mechanisms; or

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

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

We use the term ''threat'' to refer in general to actions or conditions that are known to or are reasonably likely to negatively affect individuals of a species. The term ''threat'' includes actions or conditions that have a direct impact on individuals (direct impacts), as well as those that affect individuals through alteration of their habitat or required resources (stressors). The term ''threat'' may encompass—either together or separately—the source of the action or condition or the action or condition itself.

However, the mere identification of any threat(s) does not necessarily mean that the species meets the statutory definition of an ''endangered species'' or a ''threatened species.'' In determining whether a species meets either definition, we must evaluate all identified threats by considering the expected response by the species, and the effects of the threats—in light of those actions and conditions that will ameliorate the threats—on an individual, population, and species level. We evaluate each threat and its expected effects on the species, then analyze the cumulative effect of all of the threats on the species as a whole. We also consider the cumulative effect of the threats in light of those actions and conditions that will have positive effects on the species, such as any existing regulatory mechanisms or conservation efforts. The Secretary determines whether the species meets the definition of an ''endangered species'' or a ''threatened species'' only after conducting this cumulative analysis and describing the expected effect on the species now and in the foreseeable future.

Analytical Framework

The SSA report documents the results of our comprehensive biological review of the best available scientific and commercial data regarding the status of the species, including an assessment of the potential threats to the species. The SSA report does not represent a decision by the Service on whether the species should be listed as an endangered or threatened species under the Act. It does, however, provide the scientific basis that informs our regulatory decisions, which involve the further application of standards within the Act and its implementing regulations and policies. The following is a summary of the key results and conclusions from the SSA report; the full SSA report can be found at Docket No. FWS–R1–ES–2018–0044 on *http://www.regulations.gov.*

To assess the viability of Franklin's bumble bee, we used the three conservation biology principles of resiliency, redundancy, and representation (Shaffer and Stein 2000, pp. 306–310). Briefly, resiliency supports the ability of the species to withstand environmental and demographic stochasticity (for example, wet or dry, warm or cold years), redundancy supports the ability of the species to withstand catastrophic events (for example, droughts, large pollution events), and representation supports the ability of the species to adapt over time to long-term changes in the environment (for example, climate changes). In general, the more resilient and redundant a species is and the more representation it has, the more likely it is to sustain populations over time, even under changing environmental conditions. Using these principles, we identified the species' ecological requirements for survival and reproduction at the individual, population, and species levels, and described the beneficial and risk factors influencing the species' viability.

The SSA process can be categorized into three sequential stages. During the first stage, we evaluated the individual species' life-history needs. The next stage involved an assessment of the historical and current condition of the species' demographics and habitat characteristics, including an explanation of how the species arrived at its current condition. The final stage of the SSA involved making predictions about the species' responses to positive and negative environmental and anthropogenic influences. Throughout all of these stages, we used the best available information to characterize viability as the ability of a species to

sustain populations in the wild over time. We use this information to inform our regulatory decision.

Summary of Biological Status and Threats

In this discussion, we review the biological condition of the species and its resources, and the threats that influence the species' current and future condition, in order to assess the species' overall viability and the risks to that viability.

To assess resiliency and redundancy, we evaluated the change in Franklin's bumble bee occurrences (populations) over time. To assess representation (as an indicator of adaptive capacity) of the Franklin's bumble bee, we evaluated the spatial extent of occurrences over time. We evaluated the change in resiliency, representation, and redundancy from the past until the present; however, due to the lack of observations of the species since 2006, we did not project anticipated future states of these conditions.

Our analyses indicate that the resiliency, redundancy, and representation of the Franklin's bumble bee have all declined since the late 1990s. Historically, the species has always been rare and has one of the narrowest distributions of any *Bombus* species in the world. Even so, the abundance and distribution of Franklin's bumble bee has declined significantly (Service 2018a, pp. 10–14); the species has not been observed since 2006, despite intensive survey efforts in select portions of its historical range. Search efforts for the species have been varied in timing, scope, intensity, and methodology. During the more intensive surveys from 1998 until the last observation in 2006, the Franklin's bumble bee was observed at 14 locations, including 8 locations where it had not been previously documented. In 1998, 98 bees were found among 11 locations. Searchers found fewer and fewer bees after that year even though they continued extensive searches in multiple locations with the highest likelihood of finding the species. Twenty bees were located in 1999, nine individuals were observed in 2000, and one individual was observed in 2001. Although 20 Franklin's bumble bees were observed in 2002, only 3 were observed in 2003 (all at a single locality), and a single worker bee was observed in 2006. Despite continued intensive search efforts in these areas through 2019, there have been no confirmed observations of the Franklin's bumble bee since 2006. Data allow us to estimate 43 potential populations of the species since 1921, when the first description of the species was published (Service 2018a, pp. 11). From 1998 to 2006, we identified 14 potential populations. Since 2006, no populations have been located.

The vulnerability resulting from the Franklin's bumble bee's haplodiploid genetic system, as well as the loss in the abundance and spatial extent of its populations, suggest the resiliency, representation, and redundancy of the Franklin's bumble bee have all declined significantly since the late 1990s. The losses in both the number of populations and their spatial extent render the Franklin's bumble bee vulnerable to extinction even without further external stressors (*e.g.,* pathogens and insecticide exposure) acting upon the species.

As part of our status assessment of the Franklin's bumble bee, we looked at potential stressors affecting the species' viability (Service 2018a, pp. 23–40). Potential stressors that we analyzed for the Franklin's bumble bee generally fit into three groups that correspond with Factors A (habitat loss and fragmentation), C (pathogens), or E (pesticide use, competition with nonnative bees, and effects of small population size). No potential stressors of the Franklin's bumble bee correspond with Factor B. There has never been any indication that the Franklin's bumble bee was at risk of overutilization for commercial, recreational, scientific, or educational purposes, and we did not find any new information to suggest this has changed. Existing regulatory mechanisms (Factor D) are discussed below in the context of how they help to reduce or ameliorate stressors to the Franklin's bumble bee.

The 2010 petition identified destruction, degradation, and conversion of habitat as a threat to the Franklin's bumble bee. In our 90-day finding on the 2010 petition (76 FR 56381; September 13, 2011), we noted that the petitioners provided substantial information on threats to the Franklin's bumble bee from the destruction, modification, or curtailment of habitat, primarily due to the potential impacts of natural or prescribed fire. Because the loss and degradation of habitat has been shown to reduce both diversity and abundance in other *Bombus* species (Potts *et al.* 2010, pp. 348–349), we looked at the potential stressors of natural or prescribed fire, agricultural intensification, urban development, livestock grazing, and the effects of climate change (Service 2018a, pp. 23–40).

Although conversion of natural habitat appears to be the primary cause of bumble bee habitat loss throughout the world (Goulson *et al.* 2015, p. 2; Kosior *et al.* 2010, p. 81), many researchers believe it is unlikely to be a main driver of the recent, widespread North American bee declines (Szabo *et al.* 2012, p. 236; Colla and Packer 2008, p. 1388; Cameron *et al.* 2011, p. 665). Despite uncertainties regarding the Franklin's bumble bee's habitat needs, we know they need (1) floral resources for nectaring throughout the colony cycle, and (2) relatively protected areas for breeding and shelter. Furthermore, the available information regarding locations where the species has been found indicates that the Franklin's bumble bee is a generalist forager and that the species' specific needs and preferences for these habitat elements are relatively flexible, plentiful, and widely distributed. While we can say that *Bombus* species in general might prefer protected meadows with an abundance of wildflowers, the Franklin's bumble bee has been found in a wide array of sheltered and exposed habitat types at elevations ranging from 540 ft (162 m) to 7,800 ft (2,340 m) (Thorp 2017, pers. comm.).

Natural or Prescribed Fire

Fire caused by both natural and human-caused factors has been an important change on the landscape in the range of the Franklin's bumble bee. Because fire reduces natural succession of forests through the burning of encroaching woody plants, fire is a primary factor in the maintenance of grassland and meadow habitat that can support *Bombus* species (Shultz and Crone 1998, p. 244; Huntzinger 2003, p. 2). With the increase in human development came fire suppression to limit damage to manmade structures. Fire suppression allows woody encroachment to occur, and the diverse landscape created by fire (open areas mixed within forested areas) is slowly being replaced by increasing areas of denser forested habitat; the open areas that facilitated the growth of diverse understory plant communities are being reduced from their historical condition (Ruchty 2011, p. 26). Conifer species now cover some of the area that was previously open meadow habitat in the range of the Franklin's bumble bee (Panzer 2002, p. 1297; Shultz and Crone 1998, p. 244). Although this loss of habitat by fire suppression may have limited the availability and diversity of floral resources, as well as nest and overwintering habitat for the Franklin's bumble bee, healthy meadow habitat remains in areas where the Franklin's bumble bee was previously found (Godwin 2017, pers comm.; Colyer 2017, pers. comm.), and it is unlikely

that loss of habitat from fire suppression was a factor in the decline of the species.

Increased fuel loads from fire suppression heighten the potential for catastrophic, large-scale, and high temperature wildfires. Any *Bombus* colonies in the path of this type of fire would be at risk of extirpation. Wildfire may have extirpated some historical populations of the Franklin's bumble bee, but we have no information suggesting that any known Franklin's bumble bee occurrence sites were in the path of catastrophic wildfires at the time the sites were occupied. Controlled burning became a management tool for reducing potential fuel loads for wildfire; controlled burning is carried out by Federal land management agencies including the U.S. Forest Service and Bureau of Land Management in the range of the Franklin's bumble bee. The effects of fire on invertebrates depends greatly on the biology of the specific taxa (Gibson *et al.* 1992, p. 166), and in the case of the Franklin's bumble bee, controlled burns could certainly cause death of individual bees and negative effects to a colony. Prescribed fire is likely to continue to be used as a management tool on some Federal land; however, the practice is overall small in scale, opportunistic (depending on weather, funding, and a host of other factors), used to prevent catastrophic fire, and often a net benefit to pollinators as it opens habitat by decreasing canopy cover (U.S. Forest Service 1989, IV 87 to IV 90, IV–113 to IV–119; U.S. Forest Service 1990, pp 4–149 to 4–179). In summary, we have no information to indicate that controlled burns were a factor in the decline of the Franklin's bumble bee or will increase in the future to a degree that may affect the viability of the species.

Agricultural Intensification

Agricultural intensification can result in habitat loss for bumble bees, as these practices often result in the planting of monocultures that tend to provide floral resources for a limited period of time, rather than throughout the colony's life cycle. Agricultural intensification can negatively impact wild bees by reducing floral resource diversity and abundance (Service 2018a, p. 32). Agricultural intensification was determined to be a primary factor leading to the local extirpation and decline of bumble bees in Illinois (Grixti *et al.* 2009, p. 75). An increased use of herbicides often accompanies development and agricultural intensification, and the widespread use of herbicides in agricultural, urban, and even natural landscapes has led to decreases in flowering plants (Potts *et al.* 2010, p. 350).

Within the historical range of the Franklin's bumble bee, total acres in agricultural cropland decreased in all three counties in Oregon (Douglas, Jackson, and Josephine) by greater than 50 percent from 1997 to 2012 (U.S. Department of Agriculture—National Agriculture Statistics Service 2017, pers. comm.; Service 2018a, p. 33). While the total number of acres of agricultural cropland is not synonymous with agricultural intensification (specifically, the expansion of monocultures), a decrease in total acres of agriculture leads us to conclude that agricultural intensification was not likely a factor in the decline of the Franklin's bumble bee. We have no documentation in our files or any direct evidence that agricultural intensification has contributed to the decline of the Franklin's bumble bee or will increase in the future to a degree that may affect the viability of the species. Approximately 42 percent of sites where Franklin's bumble bees have ever been reported (18 of 43) occur on federally owned land, primarily U.S. Forest Service and Bureau of Land Management land; very little habitat on these lands has been permanently altered or lost through agricultural intensification (Service 2018a, p. 32).

Urban Development

Ongoing urbanization contributes to the loss and fragmentation of natural habitats. Urban gardens and parks provide habitat for some pollinators, including bumble bees (Frankie *et al.* 2005, p. 235; McFrederick and LeBuhn 2006, p. 372), but they tend not to support the species richness of bumble bees that can be found in nearby undeveloped landscapes (Xerces Society and Thorp 2010, p. 13) or that which was present historically (McFrederick and LeBuhn 2006). However, Franklin's bumble bee and western bumble bee have both been observed in urban areas of Ashland, Oregon, and in residential areas of Medford, Oregon. Furthermore, approximately 42 percent of the sites where Franklin's bumble bee have ever been reported (18 of 43) occur on federally owned land, primarily U.S. Forest Service and Bureau of Land Management land, and very little habitat on these lands has been permanently altered or lost through development.

Generally good habitat conditions currently exist throughout the known historical Franklin's bumble bee locations and all of the recent focused survey areas. Two notable events occurred in areas with previous observations of Franklin's bumble bee: The creation of Lake Applegate upon the completion of Applegate Dam in the fall of 1980, and a report of soil modification on a portion of the Gold Hill site in 2004; however, we have no information to indicate that Franklin's bumble bees were still in the vicinity or had any colonies in the area when these events occurred. The Applegate Dam project inundated two sites with historical observations of Franklin's bumble bee (from the 1960s), but no subsequent search efforts or observations (Xerces Society and Thorp 2010, p. 13; Thorp, pers. comm. 2017). The June 23, 2010, petition noted that in 2004, soil had been excavated and deposited in a portion of the Gold Hill area (Xerces Society and Thorp 2010, p. 13). The last observation of Franklin's bumble bee at Gold Hill was in the year 2000, and the site was revisited 14 times over the next 3 years with no observations of Franklin's bumble bee. In both of these cases, we have no information to suggest the species was still using the habitat in the area by the time the activities took place, and therefore no information to suggest that either of these events affected the resiliency of any population of Franklin's bumble bee. We have no documentation in our files or any direct evidence that urbanization or development in the range of Franklin's bumble bee, or the incidents described above, contributed to the decline of the species or will increase in the future to a degree that may affect the viability of the species (Portland State University 2015, p. 7).

Livestock Grazing

Livestock grazing occurs on public land in much of the historical range of the Franklin's bumble bee. Overgrazing by sheep between 1890 and 1920 resulted in trampling vegetation and denuding soils, and grazing is currently evident today in the continuing erosion of the granitic soils of the McDonald Basin, Siskiyou Gap, Mt. Ashland, and the Siskiyou Crest (LaLande 1995, p. 31; T. Atzet 2017, pers. comm.). Several studies on the impacts of livestock grazing on bees suggest that an increase in the intensity of livestock grazing affects the species richness of bees (Service 2018a, p. 35). In contrast, grazing, especially by cattle, can play a key positive role in maintaining the abundance and species richness of preferred bumble bee forage (Carvell 2002, p. 44). Evidence of livestock grazing was observed interspersed within abundant floral resources in Franklin's bumble bee habitat during several recent targeted survey efforts

(Brooks 1997, pers. comm.; Service 2016, entire; Service 2017, entire; Trail 2017, pers. comm.). We have no new information that the timing, location, intensity, or duration of grazing has changed, with the exception of the Cascade-Siskiyou National Monument, where most grazing has been retired (Colyer 2018, pers. comm.). The lack of specific information on the impacts of livestock grazing on the Franklin's bumble bee limits our ability to connect the activity to any specific species' response, and we do not anticipate grazing will increase in the future to a degree that may affect the viability of the species (Bureau of Land Management 2016, pp. 96–103).

Effects of Climate Change

Specific impacts of climate change on pollinators are not well understood; most of the existing information on climate change impacts to pollinators comes from studies on butterflies. Studies specifically relating to bumble bees are scant, and we found no climate change information specific to the Franklin's bumble bee. Changes in temperature and precipitation, and the increased frequency of storm events, can affect pollinator population sizes directly, by affecting survival and reproduction (Intergovernmental Panel on Climate Change 2013, entire; Bale *et al.* 2002, p. 11; Roland and Matter 2016, p. 22). These climatic changes can also affect populations indirectly, by altering resource availability and species interactions (Service 2018a, p. 36).

Bumble bee abundance for three species of *Bombus* in the Rocky Mountains increased when floral resources were available for more days, and the number of days when floral resources were available increased with greater summer precipitation and later snowmelt dates (Ogilvie *et al.* 2017, p. 4). Several of the targeted Franklin's bumble bee and western bumble bee survey reports between 2015 and 2017 include mention of widespread hot, dry climate affecting timing and abundance of floral resources during the surveys (Bureau of Land Management 2015, p. 2; Trail 2017, pers. comm.). Although the Olgilvie *et al.* study and the survey reports suggest potential indirect effects of climate change on *Bombus,* we have no information to indicate that the effects of climate change were connected to the decline of the Franklin's bumble bee; numerous *Bombus* species persist in areas that are considered good quality habitat for the Franklin's bumble bee (Pool 2014, entire; Colyer 2016, entire). As a habitat generalist, Franklin's bumble bee appears to forage on a variety of floral resources, and we have no information to suggest that they would not forage off of whatever floral resource was in bloom at the time they emerge from their nests. We have no information to suggest that any changes in the vegetation community to date led to the decline of the species.

In order to understand the potential future impact of climate change on Franklin's bumble bee, we looked at climate change projection models. Global climate projections are informative and, in some cases, the only or the best scientific information available for us to use. However, projected changes in climate and related impacts can vary substantially across and within different regions of the world (Intergovernmental Panel on Climate Change 2007, pp. 8–12). Therefore, we use ''downscaled'' projections when they are available and have been developed through appropriate scientific procedures because such projections provide higher-resolution information that is more relevant to spatial scales used for analyses of a given species (see Glick *et al.* 2011, pp. 58–61, for a discussion of downscaling).

Downscaled projections as of 2016 were available for our analysis of the Franklin's bumble bee from the U.S. Geological Survey's National Climate Change Viewer (Alder, J. and S. Hostetler. 2016, entire). The National Climate Change Viewer is based on the mean of 30 models, which can be used to predict changes in air temperature and precipitation for Jackson County, Oregon (location of the last known occurrence record of Franklin's bumble bee), for two greenhouse gas emission scenarios, RCP4.5 and RCP8.5. From the year 2020 to the year 2050, the model set shows an increase in the mean maximum air temperature of between 1.9 degrees Fahrenheit (°F) (1 degree Celsius (°C)) (RCP4.5) and 3.1 °F (1.7 °C) (RCP8.5), and an increase in the mean annual minimum air temperature of between 1.0 °F (0.3 °C) (RCP4.5) and 2.7 °F (1.5 °C) (RCP8.5). For both scenarios, mean precipitation is predicted to decrease by approximately 0.4 inches (10 millimeters) for both scenarios.

Projections for an increase in temperature and decrease in precipitation over the next 30 years may lead to alteration in the vegetation community in Franklin's bumble bee habitat, including the varieties of floral resources that Franklin's bumble bee relies on for nectar. However, we have no information to suggest that these changes will result in a decrease in the availability of nectar resources to the species. Some studies suggest that pollinators are responding to climate change with recent latitudinal and elevational range shifts such that there is spatial mismatch among plants and their pollinators; while this has been demonstrated in butterflies, it may be less of a factor for bumble bees (Service 2018a, p. 36). As generalist foragers, bumble bees do not require synchrony with a particular plant species, although some bumble bee populations are active earlier in the season than in the past (Bartomeus *et al.* 2011, p. 20646).

Projections for an increase in temperature and decrease in precipitation over the next 30 years may also affect the frequency or intensity of wildfires and storm events (including flooding). These events could affect the availability of floral resources, the suitability of nest locations, and the survival of overwintering queens. However, we do not have information projecting the timing, scope, or intensity of wildfires or storms; the stochastic nature of these events limits our ability to project the magnitude of impact on the future condition of Franklin's bumble bee or its habitat, and hinders our ability to assess their impact on the viability of the species.

Summary

Although habitat loss has had negative effects on bumble bees, we conclude it is unlikely to be a main driver of the decline of the Franklin's bumble bee. Habitat appears generally intact and in good condition throughout the known, historical locations of the Franklin's bumble bee and throughout all of the recent focused survey areas (with the exceptions of the historical sites affected by the creation of Lake Applegate in the fall of 1980, and soil modification that occurred on a portion of the Gold Hill site in 2004). In our assessment, we found no information to suggest that destruction, degradation, or conversion of habitat occurred at a scope and magnitude that would cause it to be a primary factor in the decline of the Franklin's bumble bee (Service 2018a, pp. 35–37). Furthermore, we have no information to suggest that habitat destruction or modification will increase in scope and magnitude to the point where it will be a primary stressor to the species in its range in the near future.

A number of diseases and parasites are known to occur in bumble bee populations. These include the protozoan parasite *Crithidia bombi* (*C. bombi*), the tracheal mite *Locustacarus buchneri,* the microsporidium (parasitic fungus) *Nosema bombi* (*N. bombi*), as well as deformed wing virus. Pathogens

and parasites are widespread generalists in the host genus, but affect species differently according to host susceptibility and tolerance to infection (Kissinger *et al.* 2011, p. 221; Malfi and Roulston 2014, p. 18). The host species' life history plays a role in the virulence of a given pathogen; for instance, parasites may have relatively smaller effects on species with shorter colony life cycles and smaller colony sizes (Rutrecht and Brown 2009, entire).

Pathogen spillover is a process whereby parasites and pathogens spread from commercial bee colonies to native bee populations (Colla *et al.* 2006, p. 461; Otterstatter and Thompson 2008, p. 1). The decline of certain *Bombus* species from the mid-1990s to present, particularly species in the subgenus *Bombus sensu stricto* (including Franklin's bumble bee), was contemporaneous with the collapse of commercially bred western bumble bee (raised primarily to pollinate greenhouse tomato and sweet pepper crops beginning in the late 1980s) (Szabo *et al.* 2012, pp. 232–233). This collapse was attributed to infections of *Nosema bombi.*

Nosema bombi has been detected in native bumble bees in North America, and has been found to be a part of the natural pathogen load. The fungus has been reported in Canada since the 1940s (Cordes *et al.* 2011, p. 7) and appears to have a broad host range in North American (Kissinger *et al.* 2011, p. 222). Infections of the pathogen primarily occur in the malpighian tubules (small excretory or water regulating glands), but also in fat bodies, nerve cells, and sometimes the trachea (Macfarlane *et al.* 1995). *Bombus* colonies can appear to be healthy but still carry *N. bombi* and transmit it to other colonies, most likely when spores are fed to larvae and then infected adults drift into non-natal colonies (Service 2018a, p. 25).

While we have no evidence of direct effects of a virulent strain of *N. bombi* on the Franklin's bumble bee, *N. bombi* has been detected in closely related species in the range of the Franklin's bumble bee. Furthermore, *N. bombi* infections in rare species like the Franklin's bumble bee are more frequent, are more severe, and seem to affect a higher percentage of individuals of the species (Cameron *et al.* 2011, entire; Cordes *et al.* 2011, p. 2).

The effect of pathogens on bumble bees varies from mild to severe (Macfarlane *et al.* 1995; Rutrecht *et al.* 2007, p. 1719; Otti and Schmid-Hempel 2008, p. 577). Bumble bees infected with *Nosema bombi* may have crippled wings, and queens may have distended abdomens and be unable to mate (Otti and Schmid-Hempel 2007, pp. 122–123). Malfi and Roulston (2014, p. 24) found that *N. bombi* infections are more frequent and more severe in rare species, and the species with the highest percentages of infected individuals were rare species. Furthermore, the effects of pathogen infection on bumble bees may be amplified by other influence factors. Nutritional stress may compromise the ability of bumble bees to survive parasitic infections, as evidenced by a significant difference in mortality in bumble bees on a restricted diet compared to well-fed bees infected with *C. bombi* (Brown *et al.* 2000, pp. 424–425).

A virulent strain of *Nosema bombi* from the buff-tailed bumble bee (*Bombus terrestris*) may have spread to the eastern bumble bee (*B. impatiens*) and western bumble bee from Europe. In the mid-1990s, companies shipped queen eastern and western bumble bees to Europe for their development into colonies to use in commercial pollination services. When the colonies had reached sufficient size, they were shipped back to the United States and deployed in industrial greenhouse operations in California, primarily to pollinate tomatoes and peppers. The colonies may have picked up *N. bombi* prior to their shipment back into the United States, and once in this country, the commercially reared colonies may have spread the virulent strain to wild populations of Franklin's bumble bee (Xerces Society and Thorp 2010, p. 14). In work partially funded by the Service, the University of Illinois conducted surveys for parasites and pathogens in bumble bee populations of the Pacific Northwest and Midwest between 2005 and 2009. The goal was to assess *Bombus* populations for presence and prevalence of pathogens, particularly microsporidia, in an effort to provide baseline data to assess disease as a potential factor in the decline of the Franklin's bumble bee, western bumble bee, and American bumble bee (*B. pensylvanicus*) (Solter *et al.* 2010, p. 1). The highest prevalence of *N. bombi* was found in western bumble bee, with 26 percent of collected individuals infected. *Crithidia bombi* infections of western bumble bee were 2.8 percent overall (Solter *et al.* 2010, pp. 3–4); no Franklin's bumble bees were collected during the study. However, Mt. Ashland, Oregon, was one of only three sites in the Pacific Northwest study area where *N. bombi* infections were found in multiple *Bombus* species (the indiscriminate cuckoo bumble bee (*B. insularis*) and black-notched bumble bee (*B. bifarius*)) (Solter *et al.* 2010, pp. 3–4). Although Cordes *et al.* (2011, p. 7) found a new allele in *N. bombi,* the recent study by Cameron *et al.* (2016) found no evidence of an exotic strain of *N. bombi.*

In summary, known pathogens occur within the historical range of the Franklin's bumble bee, and we have evidence of several pathogens infecting closely related species within that range that have also likely affected the Franklin's bumble bee. Although we have no direct evidence of pathogens playing a role in the decline of the Franklin's bumble bee, the disappearance of the Franklin's bumble bee occurred soon after a period of potential exposure to introduced pathogens, particularly *N. bombi,* which is known to have a more severe impact on rare species like the Franklin's bumble bee. Decline of other closely related pollinators has been associated with these pathogens, and it is highly likely pathogens have had some negative influence on the resiliency of Franklin's bumble bee populations.

Pesticide Use

Exposure to pesticides can occur to bumble bees from direct spray or drift, or from gathering or consuming contaminated nectar or pollen (Johansen and Mayer 1990; Morandin *et al.* 2005, p. 619). Lethal and sublethal effects on bumble bee eggs, larvae, and adults have been documented for many different pesticides under various scenarios (Service 2018a, p. 28). Documented sub-lethal effects to individual bumble bees and colonies include reduced or no male production, reduced or no egg hatch, reduced queen production, reduced queen longevity, reduced colony weight gain, reduced brood size, reduced feeding, impaired ovary development, and an increased number of foragers or foraging trips or duration (interpreted as risky behaviors) (Service 2018a, p. 28). Bumble bee habitat can also be impacted by pesticides due to changes in vegetation and the removal or reduction of flowers needed to provide consistent sources of pollen, nectar, and nesting material (Service 2018a, p. 28). Declines in bumble bees in parts of Europe have been at least partially attributed to the use of pesticides (Williams 1986, p. 54; Kosior *et al.* 2007, p. 81).

Although the use of land for agricultural purposes has traditionally involved the use of pesticides and other products toxic to bees, one particular class of insecticides known as neonicotinoids have been strongly implicated in the decline of honey bees (*Apis* spp.) worldwide, and implicated in the decline of several *Bombus*

species, including rusty patched bumble bee, buff-tailed bumble bee, and eastern bumble bee (Pisa *et al.* 2015, p. 69; Goulson 2013, pp. 7–8; Colla and Packer 2008, p. 10; Lundin *et al.* 2015, p. 7). Neonicotinoids are a broad class of insecticides based on nicotine compounds used in a variety of agricultural applications; they act as a neurotoxin, affecting the central nervous system of insects by interfering with the receptors of the insects' nervous system, causing overstimulation, paralysis, and death (Douglas and Tooker 2015, pp. 5090–5092). The neonicotinoid family of insecticides includes acetamiprid, clothianidin, imidacloprid, nitenpyram, nithiazine, thiacloprid, and thiamethoxam. In the range of the Franklin's bumble bee (Jackson, Douglas, and Josephine Counties in Oregon, as well as Trinity and Siskiyou Counties in California), the first reported use of imidacloprid was in 1996, thiamethoxam in 2001, and clothianidin in 2004. The use of neonicotinoid pesticides continued in the range of the species through 2006, when the last observation of the Franklin's bumble bee was recorded. Across all five counties, total estimated applications of these three neonicotinoids increased from 53.31 pounds (lbs) (24.19 kilograms (kg)) in 1996, to 1,144.6 lbs (519.9 kg) in 2014. However, the exponential growth of neonicotinoid applications started in 2011, 5 years after the last observation of the species. The vast majority of neonicotinoids are used as seed treatments on grains and other field crops (Oregon Department of Agriculture 2018, pers. comm.), and total agricultural land within the historical range of the species is less than 2 percent of the total land base (2011 National Land Cover Data Set and 2016 USDA Crop Data Layers (CDL) *in* Syngenta 2019, pers. comm).

No studies have investigated the effects of pesticide use on the Franklin's bumble bee, and no discoveries have been documented of any Franklin's bumble bees injured or killed by pesticides. The Franklin's bumble bee is a habitat generalist and is not known to have a close association with agricultural lands; therefore, it may have less exposure to pesticides than some other *Bombus* species. However, pesticide use occurs in the range of the Franklin's bumble bee. The similarity in foraging traits that the Franklin's bumble bee has with both honey bees and the other *Bombus* species (*e.g.,* generalist foragers collecting pollen from similar food sources) allows us to infer that Franklin's bumble bee populations are likely to suffer exposure to and impacts from pesticides in similar measure to other *Bombus* species when the Franklin's bumble bee is in areas where pesticides are applied.

Effects of Small Population Size

The Franklin's bumble bee is rare and has always had very small populations (relative to other similar, native bumble bees in the western United States), and likely has low genetic diversity due to the haplodiploid genetic system it shares with all *Bombus* species (Zayed 2009, p. 238). These factors make the species more vulnerable to habitat change or loss, parasites, diseases, stochastic events, and other natural disasters such as droughts (Xerces Society and Thorp 2010, p. 20). Between 1998 and 2006, the number of Franklin's bumble bee observations went from a high of 98 at 11 locations, to a lone individual in 2006. No observations of the Franklin's bumble bee have occurred since 2006, despite an increase in survey effort. Diploid male production has been detected in naturally occurring populations of bumble bees, and recent modeling work has shown that diploid male production may initiate a rapid extinction vortex (a situation in which genetic and demographic traits and environmental conditions reinforce each other in a downward spiral, leading to extinction) (Goulsen *et al.* 2008, p. 11.8). Because of inbreeding and the production of sterile males, the haplodiploid genetic system makes bumble bees very vulnerable when populations get small (Colla 2018, pers. comm.). Although we have no direct evidence that small population size or a rapid extinction vortex contributed to the decline of the species, the genetic system and historically small population size of the Franklin's bumble bee likely heightened the species' vulnerability to other threats in the environment; we, therefore, consider the effects of small population size a synergistic threat to the species.

Competition With Nonnative Bees

The European honey bee (*Apis mellifera*) was first introduced to eastern North America in the early 1620s, and into California in the early 1850s (Xerces Society and Thorp 2010, p. 21). The resource needs of the European honey bee and native *Bombus* species may overlap, resulting in the potential for increased competition for resources (Thomson 2004, p. 458; Thomson 2006, p. 407). Decreased foraging activity and lowered reproductive success of *Bombus* colonies have been noted near European honey bee hives (Evans 2001, pp. 32–33; Thomson 2004, p. 458; Thomson 2006, p. 407). Additionally, the size of workers of native *Bombus* species were noticeably reduced where European honey bees were present, which may be detrimental to *Bombus* colony success (Goulson and Sparrow 2009, p. 177). It is likely that the effects discussed in these studies are local in space and time, and most pronounced where floral resources are limited and large numbers of commercial European honey bee colonies are introduced (Xerces Society and Thorp 2010, p. 21). We have no information to indicate that any area of Franklin's bumble bee habitat in the range of the species has limited floral resources and large numbers of European honey bees. We have no information related to the specific placement of commercial honey bee colonies in or near Franklin's bumble bee habitat. Furthermore, European honey bees have been present without noticeable declines in *Bombus* populations over large portions of their ranges (Xerces Society and Thorp 2010, p. 21), and we have no new information that connects competition from European honey bees to the decline of the Franklin's bumble bee.

There is potential for nonnative, commercially raised bumble bees to naturalize and outcompete native bumble bees for limited resources such as nesting sites and forage areas. Five commercially reared eastern bumble bee workers and one queen were captured in the wild near greenhouses where commercial bumble bees are used, suggesting this species may have naturalized outside of its native range. The eastern bumble bee, which has a native range in eastern North America, was detected in western Canada (Ratti and Colla 2010, pp. 29–31). In Japan, nonnative buff-tailed bumble bee colonies founded by bees that had escaped from commercially produced colonies had more than four times the mean reproductive output of native bumble bees (Matsumura *et al.* 2004, p. 93). In England, commercially raised buff-tailed bumble bee colonies had higher nectar-foraging rates and greater reproductive output than a native subspecies of the buff-tailed bumble bee (Ings *et al.* 2006, p. 940). Colonies of eastern bumble bee were imported to pollinate agricultural crops and strawberries in Grants Pass, Oregon, in the range of the Franklin's bumble bee (Xerces Society and Thorp 2010, p. 18).

Although nonnative *Bombus* species in the range of Franklin's bumble bee could outcompete Franklin's bumble bee for floral resources and nesting habitat, we have no information to definitively connect competition with

nonnative bumble bees to the decline of the Franklin's bumble bee. Furthermore, invertebrate surveys in Franklin's bumble bee habitat continue to show evidence of healthy populations of other native *Bombus* species unaffected by competition from nonnative bees (Pool 2014, entire; Colyer 2016, entire).

Summary

We find that several natural and other human-caused factors contributed to the decline of the Franklin's bumble bee. While it is unlikely that pesticides alone can account for the decline of the Franklin's bumble bee, documented effects of pesticides on closely related *Bombus* species suggest pesticide use was likely a factor in the decline of the Franklin's bumble bee. The haplodiploid genetic system of the Franklin's bumble bee, combined with its historically small population size, was also likely a factor in the decline of the species. Although nonnative *Bombus* species in the range of the Franklin's bumble bee could outcompete the Franklin's bumble bee for floral resources and nesting habitat, we have no information connecting competition with nonnative bumble bees to the decline of the Franklin's bumble bee. Additionally, surveys in Franklin's bumble bee habitat continue to show evidence of healthy populations of other native *Bombus* species unaffected by competition from nonnative bees.

Synergistic and Cumulative Effects

It is likely that several threats are acting cumulatively and synergistically on many *Bombus* species, including the Franklin's bumble bee (Goulson *et al.* 2015, p. 5), and the combination of multiple threats is likely more harmful than any one acting alone (Gill *et al.* 2012, p. 108; Coors and DeMeester 2008, p. 1821; Sih *et al.* 2004, p. 274). There is recent evidence that the interactive effects of pesticides and pathogens could be particularly harmful for bumble bees (Service 2018a, p. 39). Nutritional stress may compromise the ability of bumble bees to survive parasitic infections (Brown *et al.* 2000, pp. 424–425). Bumble bees with activated immunity may have metabolic costs, such as increased food consumption (Tyler *et al.* 2006, p. 2; Moret and Schmid-Hempel 2000, pp. 1166–1167). Additionally, exposure to pesticides may increase with increased food consumption in infected bees (Goulson *et al.* 2015, p. 5). Activating immunity impairs learning in bumble bees (Riddell and Mallon 2006; Alghamdi *et al.* 2008, p. 480). Impaired learning is thought to reduce the ability of bees to locate floral resources and extract nectar and pollen, therefore exacerbating nutritional stresses (Goulson *et al.* 2015, p. 5). Further, declining North American species with low genetic diversity have higher prevalence of the pathogen *Nosema bombi* (Cameron *et al.* 2011, p. 665). In summary, we, therefore, find that pathogens in combination with pesticides, as well as pathogens in combination with the effects of small population size, may have hastened and amplified the decline of the Franklin's bumble bee to a greater degree than any one of the three threats would cause on its own.

Existing Regulatory Mechanisms and Conservation Efforts

Surveys conducted by Dr. Robbin Thorp, other private individuals, university classes and researchers, the U.S. Forest Service, and Bureau of Land Management have significantly contributed to the existing information on Franklin's bumble bee. However, other than those search efforts, we are aware of no conservation efforts or beneficial actions specifically taken to address threats to the Franklin's bumble bee. Oregon does not include invertebrates on their State endangered species list (Oregon Department of Fish and Wildlife 2018, entire) and California has no bee species included on its list of threatened and endangered invertebrates (California Department of Fish and Wildlife 2018, entire). California has the Franklin's bumble bee listed on its list of terrestrial and vernal pool invertebrates of conservation priority but has no required actions or special protections associated with the listing (California Department of Fish and Wildlife 2017, p. 10). The Franklin's bumble bee is on the species index for the U.S. Forest Service and Bureau of Land Management Interagency Special Status/Sensitive Species Program (ISSSSP). Although the Federal agencies include the species in survey efforts and conduct general meadow enhancement activities, there are no actions resulting from the ISSSSP classification that address known threats to the Franklin's bumble bee (ISSSSP 2018, entire).

General awareness of colony collapse disorder and increase of conservation efforts for pollinators in general has likely had limited, indirect effects on policies and regulations. The U.S. Forest Service is working to include a section in all biological evaluations to address the effects from agency actions on pollinators. In addition, the Rogue River-Siskiyou National Forest is implementing ongoing projects and mitigations to create and enhance pollinator habitat (Colyer 2018, pers. comm.). The Oregon Department of Agriculture restricts some potential sources of *Nosema bombi* from entering the State for agricultural uses, including commercially produced colonies of eastern bumble bee; only *Bombus* species native to Oregon are allowed for commercial pollination purposes (Oregon Department of Agriculture 2017, p. 5). However, California allows, with appropriate permits, the importation of eastern bumble bee, and other species such as the blue orchard bee (*Osmia lignaria*), for greenhouse pollination (California Department of Food and Agriculture 2017), making the potential for pathogen spillover from nonnative bees higher in California.

Some local municipalities in Oregon enacted legislation against aerial pesticide applications but none in the range of the Franklin's bumble bee (Powell 2017, p. 1; City of Portland 2015, p. 2). However, in the 2017 legislative session, Oregon passed an Avoidance of Adverse Effects on Pollinating Insects law (Oregon Revised Statutes (ORS) 634.045) that is providing enhanced training of licensed and unlicensed pesticide applicators in the State (Melathopoulos 2018, pers. comm.), and could thereby reduce effects of pesticides on pollinators, including Franklin's bumble bee.

In January 2017, the U.S. Environmental Protection Agency's Office of Pesticide Programs published their ''Policy to Mitigate the Acute Risk to Bees from Pesticide Products,'' which recommended new labeling statements for pesticide products, including warnings for pesticides with a known acute toxicity to bees (Tier 1 pesticides), including neonicotinoids (specifically including imidacloprid, clothianidin, and thiamethoxam) (U.S. Environmental Protection Agency 2017, p. 31). In addition, the Environmental Protection Agency is working with State and Tribal agencies to develop and implement local pollinator protection plans, known as Managed Pollinator Protection Plans (MP3s). The Environmental Protection Agency is promoting MP3s to address potential pesticide exposure to bees and other pollinators at and beyond the site of the application. However, States and Tribes have the flexibility to determine the scope of pollinator protection plans that best responds to pollinator issues in their regions. For example, State and Tribal MP3s may address pesticide-related risks to all pollinators, including managed bees and wild insect and non-insect pollinators (U.S. Environmental Protection Agency 2018). The Service implemented a ban on the use of

neonicotinoids on all lands in the National Wildlife Refuge System in 2014 (Service 2014); however, no refuge lands occur within the range of the Franklin's bumble bee, and the Service rescinded the ban in 2018 (Service 2018b, entire). None of these aforementioned regulatory or conservation measures has appreciably reduced or fully ameliorated threats to the Franklin's bumble bee, as evidenced by the species' acute and rangewide decline.

We note that, by using the SSA framework to guide our analysis of the scientific information documented in the SSA report, we have not only analyzed individual effects on the species, but we have also analyzed their potential cumulative effects. We incorporate the cumulative effects into our SSA analysis when we characterize the current and future condition of the species. Our assessment of the current status of the Franklin's bumble bee incorporates the threats individually and cumulatively. Our assessment is iterative because it accumulates and evaluates the effects of all the factors that may be influencing the species, including threats and conservation efforts. Because the SSA framework considers not just the presence of the factors, but to what degree they collectively influence risk to the entire species, our assessment integrates the cumulative effects of the factors and replaces a standalone cumulative effects analysis.

Summary of Status

The significant decrease in abundance and distribution of the Franklin's bumble bee to date has greatly reduced the species' ability to adapt to changing environmental conditions and to guard against further losses of adaptive diversity and potential extinction due to catastrophic events. It also substantially reduced the ability of the Franklin's bumble bee to withstand environmental variation, catastrophic events, and changes in physical and biological conditions. Coupled with the increased risk of extirpation due to the interaction of reduced population size and the species' haplodiploid genetic system, the Franklin's bumble bee may lack the resiliency required to sustain populations into the future, even without further exposure to pathogens and pesticides.

Summary of Comments and Recommendations

In our proposed rule published on August 13, 2019 (84 FR 40006), we requested that all interested parties submit written comments on the proposal by October 15, 2019. All comments we received are posted at *http://www.regulations.gov* under Docket No. FWS–R1–ES–2018–0044. We contacted appropriate Federal and State agencies (in both Oregon and California), scientific experts and organizations, and other interested parties and invited them to comment on the proposal, even if they previously provided peer or partner review comments on the SSA report. We did not receive any additional comments from individuals or agencies who had previously provided peer review or partner review on the SSA report. We did not receive any requests for a public hearing. We reviewed all comments for substantive issues and new information regarding the Franklin's bumble bee. During the comment period, we received 53 letters or statements directly addressing the proposed action, including one comment with 15,749 signatures (supporting the listing of the Franklin's bumble bee). All but one of the commenters supported the listing of the Franklin's bumble bee as endangered. All but one of the commenters disagreed with our determination that designating critical habitat is not prudent. Substantive comments we received during the comment period are addressed below and, where appropriate, are incorporated directly into this final rule.

Public Comments

(1) *Comment:* Several commenters disagreed with our conclusion that Franklin's bumble bees are habitat generalists. Commenters stated that the limited range of the species demonstrates that it is only found in specific habitats and that if the species was truly a habitat generalist, it would be expected to have a much larger range. They noted that the range of the species is limited to the Siskiyou Mountains, a subset of the Klamath Mountain region of southern Oregon and southwestern California, and that there are specific characteristics of Franklin's bumble bee habitat in that area that can be identified, such as montane meadows rich in lupine, California poppy, mountain monardella, and clover. Commenters note that the Siskiyou Range is known for its high number of endemic species and these other endemic species are not considered habitat generalists.

Our Response: As stated in the SSA report, our analyses are predicated on multiple assumptions due to the significant lack of species-specific information for Franklin's bumble bee (2018a, p. 6). We further note that for the purposes of the analyses in the SSA report, we rely heavily on information from closely-related species from the same sub-genus, *Bombus sensu stricto,* particularly the rusty patched bumble bee and the western bumble bee. The range of the western bumble bee completely overlaps the historical range of Franklin's bumble bee, and the western bumble bee is still found at several known Franklin's bumble bee locations, most recently in 2019 at Mt. Ashland, the last known location of Franklin's bumble bee. As mentioned in the August 13, 2019, proposed rule (84 FR 40006) and the SSA report, a specific habitat study for the species has not been completed, nor have the specific life-history characteristics and behavior of this rare species been studied. Despite uncertainties regarding the Franklin's bumble bee's habitat needs, we know they need (1) floral resources for nectaring throughout the colony cycle, and (2) relatively protected areas for breeding and shelter. The habitat elements appearing to fulfill those needs that have documented use by the Franklin's bumble bee are relatively plentiful and widely distributed.

In our expert elicitation, we asked the following question: In looking at the distribution map of all known occurrences of Franklin's bumble bee, are there areas in Douglas, Jackson, Josephine, Siskiyou, and Trinity Counties in addition to these occurrence sites that might contain the species' known foraging plants: Lupine (*Lupinus* spp.), California poppy (*Eschscholzia californica*), horsemint or nettle-leaf giant hyssop (*Agastache urticifolia*), and mountain monardella (*Monardella odoratissima*)? Dr. Thorp (the preeminent authority on Franklin's bumble bee) responded that he was ''trying to figure out what defined or limited habitat at the time that [the species] disappeared.'' Dr. Thorp noted that the species had historically ranged from 500 ft in elevation at Sutherland to over 6,700 ft at Mt. Shasta and Mt. Ashland, meaning they could go through multiple mountain passes to extend east or south, but they did not; they were not limited by geography. Further, they were also not limited by flowering plants; they are generalist foragers (Thorp 2018, pers. comm). In addition, bumble bees ''are classic generalist foragers, capable of working a wide variety of plants for their resources'' (Williams *et al.* 2014, p. 15). The historical record also suggests the Franklin's bumble bee may use a variety of nesting substrates given that a colony was found in a residential garage in Medford, Oregon (Thorp 2017, pers. comm.).

We agree that the Klamath-Siskiyou ecoregion, which hosts much of the historical range of the Franklin's bumble bee, is very diverse and relatively rich in endemic species. The Klamath-Siskiyou ecoregion is considered a global center of biodiversity, is an International Union for Conservation of Nature (IUCN) Area of Global Botanical Significance (1 of 7 in North America), and is proposed as a World Heritage Site and United Nations Educational, Scientific and Cultural Organization (UNESCO) Biosphere Reserve (World Wildlife Fund 2020, entire). Extensive literature is available describing some of the biologic investigations in this ecoregion (University of Oregon 2020, entire). However, we are not aware of any information linking Franklin's bumble bee exclusively to endemic habitat features, including floral resources specific to this ecosystem.

(2) *Comment:* One commenter noted that forage is only one component of Franklin's bumble bee's niche and does not alone define a habitat generalist, citing Devictor *et al.* 2010. They stated that even if the species is a general forager it could still have a relatively narrow habitat niche, adding that narrow pollen diets are associated with other rare bumble bees like Franklin's bumble bee. They referenced a recent study, Wood *et al.* 2019, that looked at the diets of two species closely related to Franklin's bumble bee, the American bumble bee and rusty patch bumble bee, and found these declining species had a narrow pollen diet, collecting around one-third fewer pollen types than other more stable species. The study further noted that these two species are short-tongued and the anatomical feature was mentioned as a potential factor in their narrower diet.

Our Response: There are many factors related to Franklin's bumble bees and their habitat that we do not yet, and may never, understand; however, the information gathered for our assessment, including the opinion of the preeminent authority on the species (Dr. Robbin Thorp), indicates that Franklin's bumble bee is likely a habitat generalist. The commenter cites Devictor *et al.* 2010, when noting forage is only one component of Franklin's bumble bee's niche and may not alone define a habitat generalist. However, the same paper also states that a measure of ecological specialization is the assumption that specialists should co-occur with relatively few species; this is in contrast to generalist species who should co-occur with many different species across sites (Devictor *et al.* 2010, p. 23), as has been observed with Franklin's bumble bees.

We agree that narrow pollen diets likely play a role in the decline of some *Bombus* species as the distribution and abundance of their floral resources change, but we do not have sufficient information to determine if this was a significant causal factor in the decline of the Franklin's bumble bee. We do have some records of the species of plants visited by Franklin's bumble bee, but we do not have an exhaustive or comprehensive list. Of the plants Franklin's bumble bee is known to use, many are widely distributed. For example, California poppy is found in Oregon, Washington, Nevada, Arizona, Minnesota, and northwestern Baja California, Mexico. Nettle-leaf giant hyssop (horse mint) is native throughout western North America from British Columbia in Canada, to California to Colorado, where it grows in a wide variety of habitat types. Mountain monardella is found in montane forests between 600 m and 3,100 m (1,969 ft and 10,170 ft) in elevation in Oregon, Washington, Nevada, and Utah. Regarding tongue length, although the Franklin's bumble bee is a short-tongued species, Wood *et al.* found no evidence of tongue length as a predictor of dietary breadth (2019, p. 9).

(3) *Comment:* Several commenters disagreed that the present or threatened destruction, modification, or curtailment of habitat is not a threat to the Franklin's bumble bee. One commenter stated that the Service analyzed fire suppression, agricultural intensification, urban development, livestock grazing, and effects of climate change, but only as to whether they contributed to the historical decline of Franklin's bumble bee, not as current threats. One commenter stated that the climate change effects of increased drought severity, wildfire risk, and winter or early season flood risk are clear threats to Franklin's bumble bee habitat in the current and near future; they noted that flood risk is especially concerning for overwintering hibernating queens who may suffer mortality or respond by emerging too early for floral resources. The commenter also noted that due to the myriad of threats outlined in the August 13, 2019, proposed rule (84 FR 40006), it is incorrect to conclude that Franklin's bumble bee's habitat is unlimited in its capacity to provide uncontaminated resources to the species. One commenter stated that all-terrain vehicle (ATV) use and herbicide use are current threats to Franklin's bumble bee's habitat, but provided no additional information upon which to base those claims.

Our Response: In our analysis of the threats facing Franklin's bumble bee in the SSA report, we completed a review of the best available scientific and commercial information on threats that have been present in the range of the bee (Service 2018a, pp. 23–40). During the public comment period on the proposed rule we did not receive any new information regarding potential threats that prompted us to change the conclusions in our analysis. The viability analysis takes into account the threats to the species that have influenced historical populations, threats that are influencing the current condition of populations, and threats which are likely to play a role in the species' overall viability into the future. In our SSA report for Franklin's bumble bee, we noted those threats that are likely to play a role in the future (pathogens, pesticides, and the synergistic effects of small population size), but did not complete a full future condition analysis; the dearth of information on this species, particularly the lack of species occurrence information after 2006, limited our ability to compare current and future condition.

Although empirical data are currently unavailable regarding the level of habitat loss and degradation specifically affecting the Franklin's bumble bee, we do know that habitat impacts have caused the decline of other *Bombus* species (*e.g.,* Goulson *et al.* 2015, p. 2; Goulson and Darvill 2008, pp. 193–194; Brown and Paxton 2009, pp. 411–412). Although habitat loss has had negative effects on *Bombus* species in general, available information did not indicate it was a driver of the decline of Franklin's bumble bee. Habitat appears generally intact and in good condition throughout the known historical locations of the Franklin's bumble bee and in all recent focused survey areas, and many of these habitats currently host a wide variety of other bumble bees, including closely-related species like the western bumble bee. As noted above in Summary of Biological Status and Threats, we have no information to suggest that any known Franklin's bumble bee locations were in the path of wildfire at the time those locations were occupied. Further, as made evident in our geographic information system (GIS) analysis, most of the recent locations with confirmed Franklin's bumble bee observations are on publicly owned land that is managed to preserve habitat conditions through a variety of mechanisms, including fire suppression. Furthermore, we have no information to suggest that habitat destruction or modification from fire

suppression, agricultural intensification, urban development, and livestock grazing will increase in intensity to the point where they will be threats to the viability of the species in the future (Bureau of Land Management 2016, p. 103; Portland State University 2015, p. 7; U.S. Forest Service 1989, IV–87 to IV–90, IV–113 to IV–119; U.S. Forest Service 1990, pp. 4–149 to 4–179; Service 2018a, p. 32).

Future changes in temperature and precipitation may lead to changes in the vegetation community in Franklin's bumble bee habitat. However, as a habitat generalist, Franklin's bumble bee appears to forage on a variety of floral resources, and we have no information to suggest that they would not seek the nectar of whatever floral resource was in bloom at the time they emerge from their nests. Additionally, the risk of catastrophic wildfire and seasonal flooding, as well as other effects from storm events, are naturally present in the ecosystems within the range of the Franklin's bumble bee. The effects of climate change may affect the frequency and intensity of these events, thereby affecting the availability of floral resources, the suitability of nest locations, and the survival of overwintering queens. However, we cannot project the likelihood of when or where these events will occur, or how intense they will be if they do occur.

We agree that Franklin's bumble bee habitat is not unlimited. As we point out in the beginning of the SSA report, Franklin's bumble bee is the most narrowly endemic bumble bee in North America, and possibly the world. In accordance with listing Franklin's bumble bee as endangered under the Act, we will develop a recovery outline for this species. Current and possible future threats will be considered during recovery planning for this species.

(4) *Comment:* One commenter disagreed that critical habitat could not be defined. They point to our proposed rule, which states that surveys have been done in areas that appear to have good habitat for *Bombus* and Franklin's bumble bee, as evidence that there are known and defined characteristics of potential critical habitat in previously occupied areas.

Our Response: While we acknowledge that some general habitat associations of *Bombus* are known, the Franklin's bumble bee has been found in a wide array of habitat types, from foraging in montane meadows in a remote wilderness area of California to nesting in a residential garage in the city limits of Medford, Oregon. Furthermore, elevation does not appear to limit the species' dispersal capabilities. No habitat study for the Franklin's bumble bee has been completed; such a study was initiated in 2006, when the Franklin's bumble bee was last seen, but could not continue due to the subsequent absence of the species. As such, we cannot with specificity articulate the physical or biological features essential to the conservation of the Franklin's bumble bee, or determine whether or not any area would meet the definition of critical habitat for the Franklin's bumble bee (see discussion under *Prudency Determination,* below).

Even if physical and biological features can be articulated for the species, the regulations in effect at the time the species was proposed for listing indicated that we may find that designating critical habitat is not prudent if it is not beneficial to the species. With the exception of the inundation of two sites with older historical occurrences of Franklin's bumble bee locations by the construction of Applegate Dam, and a report of soil modification on a portion of the Gold Hill site 4 years after the last occurrence of Franklin's bumble bee in the area, no noticeable destruction, modification, or curtailment of habitat or range can be identified in areas where the species had been previously located. No significant destruction or modification of Franklin's bumble bee habitat can be attributed to natural fire, prescribed fire, agricultural intensification, urban development, livestock grazing, or the effects of climate change. Additionally, as discussed above, the Franklin's bumble bee has been documented using a wide variety of habitats throughout its range. Because habitat for the Franklin's bumble bee is not limiting, and because the bee is considered to be flexible with regards to its habitat, the availability of habitat does not limit the conservation of the Franklin's bumble bee now, nor will it in the future (see response to *Comment* (3)). Therefore, we have determined that designation of critical habitat for the Franklin's bumble bee is not beneficial to the species and, therefore, not prudent.

(5) *Comment:* Two commenters disagreed that the designation of critical habitat would not be beneficial to the conservation of the species. They argue it would be beneficial due to the following: (1) Critical habitat would promote connectivity between habitat patches, which will help reduce the risk of inbreeding depression and promote recovery of the species; (2) many studies have shown the link between quality habitat and nutrition and health of bumble bee colonies, and critical habitat would be beneficial because it would give Franklin's bumble bee access to more high-quality habitat to combat the threats of pathogens and pesticides and to recover from them; (3) competition and disease from nonnative honey bees, as well as pesticides from both agriculture and silviculture, are threats that will be unregulated without the designation of critical habitat; (4) critical habitat would provide concrete objective locations in which to protect the species through section 7 of the Act; and (5) critical habitat would inform the species recovery plan and where exactly the Service would implement recovery actions to ameliorate threats to the species.

Our Response: The implementing regulations of the Act upon which the August 13, 2019, proposed rule (84 FR 40006) and this final rule are based set forth that the factors the Service may consider in determining that a critical habitat designation would not be prudent include, but are not limited to, whether the species is threatened by taking or other human activity, and identification of critical habitat can be expected to increase the degree of threat to the species; or whether such designation of critical habitat would not be beneficial to the species (50 CFR 424.12(a)(1)). We determine that the designation of critical habitat would not be beneficial to the species because the present or threatened destruction, modification, or curtailment of the species' habitat or range (Factor A) is not a threat to the Franklin's bumble bee and because we cannot with specificity articulate the physical or biological features essential to the conservation of the Franklin's bumble bee, or determine whether or not any area would meet the definition of critical habitat for the Franklin's bumble bee (see discussion under *Prudency Determination,* below).

As mentioned in our response to *Comments* (3) and (4), no noticeable destruction, modification, or curtailment of Franklin's bumble bee habitat or range can be identified in areas where the species had been previously located, and could not be shown to have affected the resiliency of any population of Franklin's bumble bee. None of the potential threats to Franklin's bumble bee habitat we assessed appears to threaten the viability of the species (USFWS 2018a, pp. 23–41). Therefore, we find that because the present or threatened destruction, modification, or curtailment of a species' habitat or range is not a threat to Franklin's bumble bee, designating critical habitat is not beneficial and, therefore, not prudent.

Furthermore, regarding section 7 consultation, because of the listing of

the species (absent critical habitat), Federal agencies will still be required to consult under section 7 of the Act on activities that may affect this species in areas where the Franklin's bumble bee is reasonably certain to occur. The Federal action agency will be required to identify any listed species that could be within the project area of any proposed activity, and consult with the Service if that activity is likely to adversely affect the species.

Determination of the Status of Franklin's Bumble Bee

Section 4 of the Act (16 U.S.C. 1533) and its implementing regulations (50 CFR part 424) set forth the procedures for determining whether a species meets the definition of an endangered species or a threatened species. The Act defines an ''endangered species'' as a species that is ''in danger of extinction throughout all or a significant portion of its range,'' and a ''threatened species'' as a species that is ''likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.'' The Act requires that we determine whether a species meets the definition of ''endangered species'' or ''threatened species'' because of any of the following factors: (A) The present or threatened destruction, modification, or curtailment of its habitat or range; (B) overutilization for commercial, recreational, scientific, or educational purposes; (C) disease or predation; (D) the inadequacy of existing regulatory mechanisms; or (E) other natural or manmade factors affecting its continued existence.

Status Throughout All of Its Range

We evaluated the past, present, and future threats to the Franklin's bumble bee and assessed the cumulative effect of the threats under the Act's section 4(a)(1) factors. Our assessment did not find habitat loss or modification (Factor A) to be the cause of the decline of the Franklin's bumble bee, and we have no information to suggest that habitat destruction or modification will increase in intensity in the near future. There is no indication that the Franklin's bumble bee was at risk of overutilization for commercial, recreational, scientific, or educational purposes (Factor B). Known pathogens occur within the historical range of the Franklin's bumble bee, and we have evidence of several pathogens (Factor C) infecting closely related species within that range. Although we do not have direct evidence of pathogens playing a role in the decline of the Franklin's bumble bee, the disappearance of the Franklin's bumble bee occurred soon after a period of introduction of new pathogens. Furthermore, documented effects to other closely related species lead many species experts to suspect that the effects of pathogens had some connection to the decline of the Franklin's bumble bee. We evaluated existing regulatory mechanisms (Factor D) and conservation measures and their effects on the threats and the status of the Franklin's bumble bee; we found that the existing regulatory mechanisms or conservation measures in place do not appreciably reduce or ameliorate the existing threats to the species, as evidenced by the species' acute and rangewide decline. Although we have no direct evidence that pesticide use contributed to the decline of the Franklin's bumble bee, confirmed effects to other closely related *Bombus* species suggest that pesticide use (Factor E) was likely a factor in the decline of the Franklin's bumble bee. Additionally, given the historically small population size (Factor E) of the Franklin's bumble bee and its haplodiploid genetic system, it is more vulnerable to extirpation than other species, and it is likely the genetic system and the rarity of this species contributed to the decline of the Franklin's bumble bee (Factor E).

The combination of multiple threats is typically more harmful than any one acting alone, and it is likely that several of the threats mentioned above acted cumulatively and synergistically on the Franklin's bumble bee. Pathogens in combination with pesticides, as well as pathogens in combination with the effects of small population size, may have hastened and amplified the decline of the Franklin's bumble bee to a greater degree than any one of the three factors caused on its own. Although the ultimate source of the decline is unknown, the acute and rangewide decline of the Franklin's bumble bee is undisputable.

The Act defines an ''endangered species'' as any species that is in danger of extinction throughout all or a significant portion of its range, and a ''threatened species'' as any species that is likely to become endangered within the foreseeable future throughout all or a significant portion of its range. We find that, based on the severity and immediacy of threats currently affecting the species, the Franklin's bumble bee meets the definition of an endangered species. The threats of pathogens, pesticides, and small population size are ongoing and rangewide; they will continue to act individually and in combination to decrease the resiliency, redundancy, and representation of the Franklin's bumble bee. The risk of extinction is high because the species has not been found since 2006, and the suspected threats to the species persist. We find that a threatened species status is not appropriate for the Franklin's bumble bee because of the extreme loss of abundance of the species, because the threats are occurring rangewide and are not localized, and because the threats are ongoing and expected to continue into the future. Thus, after assessing the best available information, we determine that the Franklin's bumble bee is in danger of extinction throughout all of its range.

Status Throughout a Significant Portion of Its Range

Under the Act and our implementing regulations, a species may warrant listing if it is in danger of extinction or likely to become so in the foreseeable future throughout all or a significant portion of its range. We have determined that the Franklin's bumble bee is in danger of extinction throughout all of its range and accordingly did not undertake an analysis of whether there are any significant portions of its range. Because Franklin's bumble bee warrants listing as endangered throughout all of its range, our determination is consistent with the decision in *Center for Biological Diversity* v. *Everson,* 2020 WL 437289 (D.D.C. Jan. 28, 2020), in which the court vacated only the aspect of our July 1, 2014, Final Policy on Interpretation of the Phrase ''Significant Portion of Its Range'' in the Endangered Species Act's Definitions of ''Endangered Species'' and ''Threatened Species'' (79 FR 37578) that provided the Services do not undertake an analysis of significant portions of a species' range if the species warrants listing as threatened throughout all of its range.

Determination of Status

Our review of the best available scientific and commercial information indicates that the Franklin's bumble bee meets the definition of an endangered species. Therefore, we are listing the Franklin's bumble bee as an endangered species in accordance with sections 3(6) and 4(a)(1) of the Act. Although this species has not been observed since 2006, we conclude it is premature at this time to determine that the species is extinct absent a more thorough survey effort. We recommend expanded survey efforts to help verify the status of this species.

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened species under the Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing results in public awareness, and conservation by Federal, State, Tribal, and local agencies; private organizations; and individuals. The Act encourages cooperation with States and other countries and calls for recovery actions to be carried out for listed species. The protection required by Federal agencies and the prohibitions against certain activities are discussed, in part, below.

Recovery Actions

The primary purpose of the Act is the conservation of endangered and threatened species and the ecosystems upon which they depend. The ultimate goal of such conservation efforts is the recovery of these listed species, so that they no longer need the protective measures of the Act. Subsection 4(f) of the Act calls for the Service to develop and implement recovery plans for the conservation of endangered and threatened species. The recovery planning process involves the identification of actions that are necessary to halt or reverse a species' decline by addressing the threats to its survival and recovery. The goal of this process is to restore listed species to a point where they are secure, self-sustaining, and functioning components of their ecosystems.

Recovery planning includes the development of a recovery outline shortly after a species is listed, and preparation of a draft and final recovery plan. The recovery outline guides the immediate implementation of urgent recovery actions and describes the process we will use to develop a recovery plan. Revisions of the plan may be done to address continuing or new threats to the species, as new substantive information becomes available. The recovery plan also identifies recovery criteria for review of when a species may be ready for reclassification from endangered to threatened (''downlisting'') or removal from protected status (''delisting''), and methods for monitoring recovery progress. Recovery plans also establish a framework for agencies to coordinate their recovery efforts and provide estimates of the cost of implementing recovery tasks. Recovery teams (composed of species experts, Federal and State agencies, nongovernmental organizations, and stakeholders) are often established to develop recovery plans. When completed, the recovery outline, draft recovery plan, and the final recovery plan will be available on our website (*http://www.fws.gov/endangered*), or from our Oregon Fish and Wildlife Office (see **FOR FURTHER INFORMATION CONTACT**).

Implementation of recovery actions generally requires the participation of a broad range of partners, including other Federal agencies, States, Tribes, nongovernmental organizations, businesses, and private landowners. Examples of recovery actions include habitat restoration (*e.g.,* restoration of native vegetation), research, captive propagation and reintroduction, and outreach and education. The recovery of many listed species cannot be accomplished solely on Federal lands because their range may occur primarily or solely on non-Federal lands. To achieve recovery of these species requires cooperative conservation efforts on private, State, and tribal lands.

Following publication of this final listing rule, funding for recovery actions will be available from a variety of sources, including Federal budgets, State programs, and cost share grants for non-Federal landowners, the academic community, and nongovernmental organizations. In addition, pursuant to section 6 of the Act, the States of Oregon and California will be eligible for Federal funds to implement management actions that promote the protection or recovery of the Franklin's bumble bee. Information on our grant programs that are available to aid species recovery can be found at: *http://www.fws.gov/grants.*

Please let us know if you are interested in participating in recovery efforts for the Franklin's bumble bee. Additionally, we invite you to submit any new information on this species whenever it becomes available and any information you may have for recovery planning purposes (see **FOR FURTHER INFORMATION CONTACT**).

Regulatory Provisions

Section 7(a) of the Act requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as an endangered or threatened species and with respect to its critical habitat, if any is designated. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR part 402. Section 7(a)(2) of the Act requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of any endangered or threatened species or destroy or adversely modify its critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency must enter into consultation with the Service.

Federal agency actions within the species' habitat that may require conference or consultation or both include management and any other landscape-altering activities on Federal lands administered by the U.S. Forest Service and Bureau of Land Management, the National Park Service, and the Bureau of Reclamation; technical assistance and projects funded through the U.S. Department of Agriculture Natural Resources Conservation Service; issuance of section 404 Clean Water Act (33 U.S.C. 1251 *et seq.*) permits by the U.S. Army Corps of Engineers, and construction and maintenance of roads or highways by the Federal Highway Administration.

The Act and its implementing regulations set forth a series of general prohibitions and exceptions that apply to endangered wildlife. The prohibitions of section 9(a)(1) of the Act, codified at 50 CFR 17.21, make it illegal for any person subject to the jurisdiction of the United States to take (which includes harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect; or to attempt any of these) endangered wildlife within the United States or on the high seas. In addition, it is unlawful to import; export; deliver, receive, carry, transport, or ship in interstate or foreign commerce in the course of commercial activity; or sell or offer for sale in interstate or foreign commerce any species listed as an endangered species. It is also illegal to possess, sell, deliver, carry, transport, or ship any such wildlife that has been taken illegally. Certain exceptions apply to employees of the Service, the National Marine Fisheries Service, other Federal land management agencies, and State conservation agencies.

We may issue permits to carry out otherwise prohibited activities involving endangered wildlife under certain circumstances. Regulations governing permits are codified at 50 CFR 17.22. With regard to endangered wildlife, a permit may be issued for the following purposes: For scientific purposes, to enhance the propagation or survival of the species, and for incidental take in connection with otherwise lawful activities. There are also certain statutory exemptions from the prohibitions, which are found in sections 9 and 10 of the Act.

It is our policy, as published in the **Federal Register** on July 1, 1994 (59 FR 34272), to identify to the maximum extent practicable at the time a species

is listed, those activities that would or would not constitute a violation of section 9 of the Act. The intent of this policy is to increase public awareness of the effect of a listing on proposed and ongoing activities within the range of the listed species. Based on the best available information, the following actions are unlikely to result in a violation of section 9 of the Act if these activities are carried out in accordance with existing regulations and permit requirements; this list is not comprehensive:

(1) Recreation, specifically skiing at Mt. Ashland, and use of the Pacific Crest Trail;

(2) Timber sales; and

(3) Livestock grazing.

Based on the best available information, the following actions may potentially result in a violation of section 9 of the Act if they are not authorized in accordance with applicable law; this list is not comprehensive:

(1) Unauthorized handling or collecting of the Franklin's bumble bee;

(2) Unauthorized release of biological control agents that attack any life stage of the Franklin's bumble bee, including the unauthorized use of herbicides, pesticides, or other chemicals in areas in which the Franklin's bumble bee is known to occur (*i.e.,* in the Franklin's bumble bee's historical range); and

(3) Unauthorized release of nonnative species or native species that carry pathogens, diseases, or fungi that are known or suspected to adversely affect the Franklin's bumble bee where the species is known to occur (*i.e.,* in the Franklin's bumble bee's historical range).

Questions regarding whether specific activities would constitute a violation of section 9 of the Act should be directed to the Oregon Fish and Wildlife Office (see **FOR FURTHER INFORMATION CONTACT**).

II. Critical Habitat

Background

Critical habitat is defined in section 3 of the Act as:

(1) The specific areas within the geographical area occupied by the species, at the time it is listed in accordance with the Act, on which are found those physical or biological features

(a) Essential to the conservation of the species, and

(b) Which may require special management considerations or protection; and

(2) Specific areas outside the geographical area occupied by the species at the time it is listed, upon a determination that such areas are essential for the conservation of the species.

Our regulations at 50 CFR 424.02 define ''geographical area occupied by the species'' as an area that may generally be delineated around species' occurrences, as determined by the Secretary (*i.e.,* range). Such areas may include those areas used throughout all or part of the species' life cycle, even if not used on a regular basis (*e.g.,* migratory corridors, seasonal habitats, and habitats used periodically, but not solely by vagrant individuals).

Conservation, as defined under section 3 of the Act, means to use and the use of all methods and procedures that are necessary to bring an endangered or threatened species to the point at which the measures provided pursuant to the Act are no longer necessary. Such methods and procedures include, but are not limited to, all activities associated with scientific resources management such as research, census, law enforcement, habitat acquisition and maintenance, propagation, live trapping, and transplantation, and, in the extraordinary case where population pressures within a given ecosystem cannot be otherwise relieved, may include regulated taking.

Critical habitat receives protection under section 7 of the Act through the requirement that Federal agencies ensure, in consultation with the Service, that any action they authorize, fund, or carry out is not likely to result in the destruction or adverse modification of critical habitat. The designation of critical habitat does not affect land ownership or establish a refuge, wilderness, reserve, preserve, or other conservation area. Such designation does not allow the government or public to access private lands. Such designation does not require implementation of restoration, recovery, or enhancement measures by non-Federal landowners. Where a landowner requests Federal agency funding or authorization for an action that may affect a listed species or critical habitat, the Federal agency would be required to consult with the Service under section 7(a)(2) of the Act. However, even if the Service were to conclude that the proposed activity would result in destruction or adverse modification of the critical habitat, the Federal action agency and the landowner are not required to abandon the proposed activity, or to restore or recover the species; instead, they must implement ''reasonable and prudent alternatives'' to avoid destruction or adverse modification of critical habitat.

Under the first prong of the Act's definition of critical habitat, areas within the geographical area occupied by the species at the time it was listed are included in a critical habitat designation if they contain physical or biological features (1) which are essential to the conservation of the species and (2) which may require special management considerations or protection. For these areas, critical habitat designations identify, to the extent known using the best scientific and commercial data available, those physical or biological features that are essential to the conservation of the species (such as space, food, cover, and protected habitat). In identifying those physical or biological features within an area, we focus on the specific features that support the life-history needs of the species, including, but not limited to, water characteristics, soil type, geological features, prey, vegetation, symbiotic species, or other features. A feature may be a single habitat characteristic, or a more complex combination of habitat characteristics. Features may include habitat characteristics that support ephemeral or dynamic habitat conditions. Features may also be expressed in terms relating to principles of conservation biology, such as patch size, distribution distances, and connectivity.

Under the second prong of the Act's definition of critical habitat, we can designate critical habitat in areas outside the geographical area occupied by the species at the time it is listed, upon a determination that such areas are essential for the conservation of the species. We determine whether unoccupied areas are essential for the conservation of the species by considering the life-history, status, and conservation needs of the species. This is further informed by any generalized conservation strategy, criteria, or outline that may have been developed for the species to provide a substantive foundation for identifying which features and specific areas are essential to the conservation of the species and, as a result, to the development of the critical habitat designation. For example, an area currently occupied by the species but that was not occupied at the time of listing may be essential to the conservation of the species and may be included in the critical habitat designation.

Section 4 of the Act requires that we designate critical habitat on the basis of the best scientific data available. Further, our Policy on Information Standards Under the Endangered Species Act (published in the **Federal Register** on July 1, 1994 (59 FR 34271)),

the Information Quality Act (section 515 of the Treasury and General Government Appropriations Act for Fiscal Year 2001 (Pub. L. 106–554; H.R. 5658)), and our associated Information Quality Guidelines, provide criteria, establish procedures, and provide guidance to ensure that our decisions are based on the best scientific data available. They require our biologists, to the extent consistent with the Act and with the use of the best scientific data available, to use primary and original sources of information as the basis for recommendations to designate critical habitat.

Prudency Determination

Section 4(a)(3) of the Act, as amended, and implementing regulations (50 CFR 424.12), require that, to the maximum extent prudent and determinable, the Secretary shall designate critical habitat at the time the species is determined to be an endangered or threatened species.

On August 27, 2019, the Service published a final rule (84 FR 45020) revising the regulations at 50 CFR part 424 for listing species and designating critical habitat. However, the revisions apply only to relevant rulemakings for which the proposed rule is published after September 26, 2019, the effective date of the final rule. Thus, the prior version of the regulations at 50 CFR part 424 continues to apply to any rulemakings for which a proposed rule was published before September 26, 2019, including this final rule for Franklin's bumble bee.

The prior version of the regulations at 50 CFR part 424 (50 CFR 424.12(a)(1)) state that the designation of critical habitat is not prudent when one or both of the following situations exist:

(1) The species is threatened by taking or other human activity, and identification of critical habitat can be expected to increase the degree of threat to the species, or

(2) Such designation of critical habitat would not be beneficial to the species. In determining whether a designation would not be beneficial, the factors the Services may consider includes whether the present or threatened destruction, modification, or curtailment of a species' habitat or range is not a threat to the species.

As discussed above in the threats analysis, there is currently no imminent threat of take attributed to collection or vandalism identified under Factor B for this species, and identification and mapping of critical habitat is not expected to initiate any such threat. In the absence of finding that the designation of critical habitat would increase threats to a species, we next determine whether such designation of critical habitat would be beneficial to the Franklin's bumble bee. For the reasons discussed below, we have determined that designating critical habitat would not be beneficial.

Designating Habitat Would Not Be Beneficial to the Species

The Franklin's bumble bee was widely distributed throughout its range and considered flexible with regard to habitat requirements. We know that the Franklin's bumble bee needs (1) floral resources for nectaring throughout the colony cycle, and (2) relatively protected areas for breeding and shelter. In addition, because the best available scientific information indicates that the Franklin's bumble bee is a generalist forager, its habitat preferences and needs are relatively plentiful and widely distributed. While *Bombus* species in general might prefer protected meadows with an abundance of wildflowers, the Franklin's bumble bee has been found in a wide array of habitat types, from foraging in montane meadows in a remote wilderness area of California to nesting in a residential garage in the city limits of Medford, Oregon. The species has a broad elevational range from 162 m (540 ft) to 2,340 m (7,800 ft); elevation does not appear to limit the species' dispersal capabilities.

Some general habitat associations of *Bombus* are known; however, as one of the rarest *Bombus* species, the Franklin's bumble bee is somewhat enigmatic and a specific habitat study for the Franklin's bumble bee has not been completed. Such a study was initiated in 2006, when the Franklin's bumble bee was last seen, but could not continue due to the subsequent absence of the species. Therefore, we cannot with specificity articulate the physical or biological features essential to the conservation of the Franklin's bumble bee, or determine whether or not any area would meet the definition of critical habitat for the Franklin's bumble bee.

Since it was first identified in 1921, the Franklin's bumble bee appears to have always been a rare species with a limited range. In fact, the species has perhaps the most limited range of any *Bombus* species in the world. Nonetheless, Franklin's bumble bee habitat is not known to be limiting, and habitat loss is not a threat to the species. With the exception of the inundation of two sites with older historical occurrences of Franklin's bumble bee (through the construction of Applegate Dam, and a report of soil modification on a portion of the Gold Hill site 4 years after the last occurrence of Franklin's bumble bee in the area), no noticeable destruction, modification, or curtailment of habitat or range can be identified in areas where the species had been previously located. No significant destruction or modification of Franklin's bumble bee habitat can be attributed to natural fire, prescribed fire, agricultural intensification, urban development, livestock grazing, or the effects of climate change. Additionally, as discussed above, the Franklin's bumble bee has been documented using a wide variety of habitats throughout its range. Because habitat for the Franklin's bumble bee is not limiting, and because the bee is considered to be flexible with regards to its habitat, the availability of habitat does not limit the conservation of the Franklin's bumble bee now, nor will it in the foreseeable future.

In the Service and National Marine Fisheries Service's response to comments on the February 11, 2016, final rule (81 FR 7414) revising the critical habitat regulations (the regulations in effect at the time the Franklin's bumble bee was proposed for listing), the Services expressly contemplated a fact pattern where designating critical habitat may not be beneficial to the species: ''[I]n some circumstances, a species may be listed because of factors other than threats to its habitat or range, such as disease, and the species may be a habitat generalist. In such a case, on the basis of the existing and revised regulations, it is permissible to determine that critical habitat is not beneficial and, therefore, not prudent'' (81 FR 7425). This is the fact pattern we are presented with in the case of the Franklin's bumble bee. In view of the foregoing, we conclude that present or threatened destruction, modification, or curtailment of habitat is not a threat to the Franklin's bumble bee; rather, disease and other manmade factors are likely the primary threat to the species within its habitat. Therefore, in accordance with 50 CFR 424.12(a)(1), we determine that critical habitat is not beneficial and, therefore, not prudent for the Franklin's bumble bee.

Required Determinations

National Environmental Policy Act (42 U.S.C. 4321 et seq.)

We have determined that environmental assessments and environmental impact statements, as defined under the authority of the National Environmental Policy Act (NEPA; 42 U.S.C. 4321 *et seq.*), need not be prepared in connection with listing a species as an endangered or threatened species under the

Endangered Species Act. We published a notice outlining our reasons for this determination in the **Federal Register** on October 25, 1983 (48 FR 49244).

Government-To-Government Relationship With Tribes

In accordance with the President's memorandum of April 29, 1994 (Government-to-Government Relations with Native American Tribal Governments; 59 FR 22951), Executive Order 13175 (Consultation and Coordination With Indian Tribal Governments), and the Department of the Interior's manual at 512 DM 2, we acknowledge our responsibility to communicate meaningfully with recognized Federal Tribes on a government-to-government basis. In accordance with Secretarial Order 3206 of June 5, 1997 (American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the Endangered Species Act), we acknowledge our responsibilities to work directly with tribes in developing programs for healthy ecosystems, to acknowledge that tribal lands are not subject to the same controls as Federal public lands, to remain sensitive to Indian culture, and to make information available to tribes. On July 17, 2017, as part of our status review process, we sent out notification letters to 11 Tribes that are in proximity to the known historical range of the Franklin's bumble bee (6 Tribes in Oregon and 5 Tribes in California). The letter provided the Tribes early notification that were conducting a status review for Franklin's bumble bee and solicited their input to ensure that we had the best scientific data available to inform our subsequent finding on the status. We did not receive a response from any of the Tribes.

References Cited

A complete list of references cited in this rule is available on the internet at *http://www.regulations.gov* under Docket No. FWS–R1–ES–2018–0044 and upon request from the Oregon Fish and Wildlife Office (see **FOR FURTHER INFORMATION CONTACT**).

Authors

The primary authors of this rule are the staff members of the Fish and Wildlife Service's Species Assessment Team and the Oregon Fish and Wildlife Office.

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

Regulation Promulgation

Accordingly, we amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as set forth below:

PART 17—ENDANGERED AND THREATENED WILDLIFE AND PLANTS

■ 1. The authority citation for part 17 continues to read as follows:

AUTHORITY: 16 U.S.C. 1361–1407; 1531–1544; and 4201–4245, unless otherwise noted.

■ 2. Amend § 17.11 in paragraph (h) by adding an entry for ''Bee, bumble, Franklin's'' to the List of Endangered and Threatened Wildlife in alphabetical order under INSECTS to read as follows:

§ 17.11 Endangered and threatened wildlife.

* * * * *

(h) * * *

Common name	Scientific name	Where listed	Status	Listing citations and applicable rules
*	*	*	*	* * *
INSECTS				
Bee, bumble, Franklin's ..	*Bombus franklini*	Wherever found	E	85 FR [Insert **Federal Register** page where the document begins], 8/24/21.
*	*	*	*	* * *

Martha Williams,

Principal Deputy Director, Exercising the Delegated Authority of the Director, U.S. Fish and Wildlife Service.

[FR Doc. 2021–17832 Filed 8–23–21; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 300

[Docket No.: 210415–0082]

RTID 0648–XB316

Pacific Halibut Fisheries; Catch Sharing Plan; Inseason Action

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

ACTION: Temporary rule; inseason adjustment; request for comments.

SUMMARY: This document announces two additional season dates of August 27 and September 24 for the Washington South Coast and Columbia River subareas for Pacific halibut recreational fisheries in the International Pacific Halibut Commission's regulatory Area 2A off Washington, Oregon, and California. This action is intended to conserve Pacific halibut and provide angler opportunity where available.

DATES: This action is effective August 20, 2021, through September 30, 2021. Submit comments on or before September 8, 2021.

ADDRESSES: Submit your comments, identified by NOAA–NMFS–2020–0157, by either of the following methods:

• *Federal e-Rulemaking Portal:* Go to *www.regulations.gov/docket/NOAA-NMFS-2020-0157,* click the ''Comment'' icon, complete the required fields, and enter or attach your comments.

• *Mail:* Submit written comments to Barry Thom, c/o Kathryn Blair, West Coast Region, NMFS, 1201 NE Lloyd Blvd., Suite 1100, Portland, OR 97232.

Instructions: NMFS may not consider comments if they are sent by any other method, to any other address or individual, or received after the comment period ends. All comments received are a part of the public record and NMFS will post them for public viewing on *www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender is publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous).

Docket: This rule is accessible via the internet at the Office of the Federal Register website at *https://*

www.federalregister.gov/. Background information and documents are available at the NOAA Fisheries website at *https://www.fisheries.noaa.gov/action/2021-pacific-halibut-catch-sharing-plan* and at the Council's website at *http://www.pcouncil.org.* Other comments received may be accessed through *www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Kathryn Blair, phone: 503–231–6858, fax: 503–231–6893, or email: *kathryn.blair@noaa.gov.*

SUPPLEMENTARY INFORMATION: On April 21, 2021, NMFS published a final rule implementing the Pacific halibut Area 2A Catch Sharing Plan and recreational (sport) management measures for 2021 (86 FR 20638), as authorized by the Northern Pacific Halibut Act of 1982 (16 U.S.C. 773–773(k)). The 2021 Catch Sharing Plan provides a recommended framework for NMFS' annual management measures and subarea allocations based on the 2021 Area 2A Pacific halibut catch limit of 1,510,000 pounds (lb) (684.9 metric tons (mt)). These Pacific halibut management measures include recreational fishery season dates and subarea allocations.

Federal regulations at 50 CFR 300.63(c), ''Flexible Inseason Management Provisions for Sport Halibut Fisheries in Area 2A,'' allow the NMFS' Regional Administrator, after consultation with the Chairman of the Pacific Fishery Management Council (Council), the Executive Director of the International Pacific Halibut Commission (IPHC), and the Fisheries Directors of the affected states, or their designees, to modify annual regulations during the season. These inseason provisions allow the Regional Administrator to modify sport fishing periods, bag limits, size limits, days per calendar week, and subarea quotas, if it is determined it is necessary to meet the allocation objectives and the action will not result in exceeding the catch limit. Regulations at this section also state that NMFS may take inseason action to transfer projected unused quota from recreational fisheries north of Cape Falcon, Oregon, and transfer it to another Washington subarea (50 CFR 300.63(c)(iii)).

NMFS has determined that, due to lower than expected landings in portions of Washington, inseason action to modify the 2021 annual regulations is warranted at this time to help ensure the Area 2A allocations as published in the final rule (86 FR 20638; April 21, 2021) are met. As stated above, inseason modification of the fishing season is authorized by Federal regulations at 50 CFR 300.63(c). After a virtual consultation with IPHC, the Council, and the Washington Department of Fish and Wildlife (WDFW) on July 23, 2021, NMFS determined the following inseason action is necessary to meet the management objective of attaining the subarea allocations, and is consistent with the inseason management provisions allowing for the modification of sport fishing periods and sport fishing days per calendar week. Notice of these additional dates and closure of the fisheries will also be announced on the NMFS hotline at 206–526–6667 or 800–662–9825.

Inseason Action

Description of the action: This inseason action implements up to two additional fishing dates for the Washington South Coast and Columbia River subareas during the 2021 recreational fishery.

Reason for the action: The purpose of this inseason action is to provide additional opportunity for anglers in Washington on August 27 and September 24. NMFS has determined that these additional dates are warranted due to much lower than expected landings through July 2021, and the expectation that a substantial amount of subarea allocation will go unharvested without additional fishing dates. As of July 22, anglers in all Washington and Columbia River subareas have harvested 203,899 lb (92.5 mt) of the 289,517 lb (131.3 mt) allocations, leaving 85,618 lb remaining (30 percent of the subarea allocation). For reference, in 2018 and 2019, all Washington and Columbia River subareas had attained 94 and 93 percent, respectively, of the available recreational quota by the end of June. On July 21, 2021, NMFS published an inseason (86 FR 38415) adding additional open dates for the Washington North Coast and Puget Sound subareas based on data through June 10, 2021. Catch tracked lower than anticipated for the remaining June season dates and even with the additional 17 fishing dates, NMFS estimates that there would be quota remaining from the Washington allocation. Without additional fishing days in this action, the season dates implemented in the April 21, 2021 (86 FR 20638) final rule and including the additional days in the July 21, 2021 inseason (86 FR 38415), would likely result in substantial unharvested quota in the state of Washington.

In order for anglers to have the opportunity to achieve the combined subarea allocations in Washington, and with little risk of the quota being exceeded, WDFW requested NMFS implement additional season dates for participants in the Washington South Coast and Columbia River subareas. Therefore, through this action NMFS is announcing new season dates in August and September that were not previously implemented in the April 21, 2021 final rule (86 FR 20638) and the July 21, 2021 inseason (86 FR 38415). Specifically, the additional season dates for the Washington South Coast and Columbia River subareas are August 27 and September 24. These additional dates result in up to two statewide open days, with the Washington North Coast and Puget Sound already scheduled to be open on those dates. WDFW recommended these dates to NMFS after consultation with their stakeholders.

These dates were determined in consultation with WDFW, the Council, and IPHC. Notice of these additional dates will also be announced on the NMFS hotline at 206–526–6667 or 800–662–9825.

Weekly quota monitoring reports for the recreational fisheries in Washington, Oregon, and California are available on their respective state Fish and Wildlife agency websites. NMFS and the IPHC will continue to monitor recreational catch obtained via state sampling procedures until NMFS has determined there is not sufficient quota for another full day of fishing, and the area is closed by the IPHC, or the season closes on September 30, whichever is earlier.

Classification

NMFS issues this action pursuant to the Northern Pacific Halibut Act of 1982. This action is taken under the regulatory authority at 50 CFR 300.63(c), and is exempt from review under Executive Order 12866.

Pursuant to 5 U.S.C. 553(b)(3)(B), there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment would be impracticable and contrary to the public interest. WDFW provided updated landings data to NMFS on July 22, 2021, and requested additional fishing dates be added before the close of the recreational halibut fishery on September 30, 2021, as the fishery participants in the Washington recreational fishery have only caught 70 percent of all Washington and the Columbia River subarea's combined allocations. NMFS uses fishing rates from previous years to determine the number of recreational fishing dates needed to attain subarea allocations. The level of attainment of the allocation for 2021 is much lower than past years for this same point in time, and was not anticipated when the 2021 final rule setting the 2021 recreational fishery

season dates was developed. This action should be implemented as soon as possible to allow fishery participants to take advantage of the additional fishing dates prior to the end of the season. As the fishery closes on September 30, 2021, implementing this action through proposed and final rulemaking would limit the benefit this action would provide to fishery participants. Without implementation of additional season dates, the combined Washington and Columbia River subarea allocations would not be harvested, limiting economic benefits to the participants and not meeting the goals of the Catch Sharing Plan and the 2021 management measures. It is necessary that this rulemaking be implemented in a timely manner so that planning for these new fishing days can take place, and for business and personal decision making by the regulated public impacted by this action, which includes recreational charter fishing operations, associated port businesses, and private anglers who do not live near the coastal access points for this fishery, among others. To ensure the regulated public is fully aware of this action, notice of this regulatory action will also be provided to anglers through a telephone hotline, news release, and by the relevant state fish and wildlife agencies. NMFS will receive public comments for 15 days after publication of this action, in accordance with 50 CFR 300.63(c)(4)(ii). No aspect of this action is controversial, and changes of this nature were anticipated in the process described in regulations at 50 CFR 300.63(c).

For the reasons discussed above, there is also good cause under 5 U.S.C. 553(d)(3) to waive the 30-day delay in effective date and make this action effective immediately upon filing for public inspection, as a delay in effectiveness of this action would constrain fishing opportunity and be inconsistent with the goals of the Catch Sharing Plan and current management measures, as well as potentially limit the economic opportunity intended by this rule to the associated fishing communities. NMFS regulations allow the Regional Administrator to modify sport fishing periods, bag limits, size limits, days per calendar week, and subarea quotas, provided that the action allows allocation objectives to be met and will not result in exceeding the catch limit for the subarea. NMFS recently received information on the progress of landings in the recreational fisheries in Washington subareas, indicating additional dates should be added to the fishery to ensure optimal and sustainable harvest of the quota. As stated above, it is in the public interest that this action is not delayed, because a delay in the effectiveness of these new dates would not allow the allocation objectives of this fishery to be met.

Dated: August 19, 2021.

Kelly Denit,

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

[FR Doc. 2021–18211 Filed 8–20–21; 4:15 pm]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 210217–0022]

RTID 0648–XB349

Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area

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

ACTION: Temporary rule; reallocation.

SUMMARY: NMFS is reallocating the projected unused amount of Pacific cod from vessels using jig gear and catcher vessels greater than or equal to 60 feet (18.3 meters (m)) length overall (LOA) using hook-and-line gear to catcher vessels less than 60 feet (18.3 m) LOA using hook-and-line or pot gear in the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to allow the 2021 total allowable catch (TAC) of Pacific cod to be harvested.

DATES: Effective August 23, 2021, through 2400 hours, Alaska local time (A.l.t.), December 31, 2021.

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

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

The 2021 Pacific cod TAC specified for vessels using jig gear in the BSAI is 1,565 metric tons (mt) as established by the final 2021 and 2022 harvest specifications for groundfish in the BSAI (86 FR 11449, February 25, 2021).

The 2021 Pacific cod TAC specified for catcher vessels greater than or equal to 60 feet (18.3 m) LOA using hook-and-line gear in the BSAI is 222 mt as established by the final 2021 and 2022 harvest specifications for groundfish in the BSAI (86 FR 11449, February 25, 2021).

The 2021 Pacific cod TAC allocated to catcher vessels less than 60 feet (18.3 m) LOA using hook-and-line or pot gear in the BSAI is 2,222 mt as established by final 2021 and 2022 harvest specifications for groundfish in the BSAI (86 FR 11449, February 25, 2021).

The Administrator, Alaska Region, NMFS, (Regional Administrator) has determined that jig vessels will not be able to harvest 1,500 mt of the 2021 Pacific cod TAC allocated to those vessels under § 679.20(a)(7)(ii)(A)(*1*) and catcher vessels greater than or equal to 60 feet (18.3 m) LOA using hook-and-line gear will not be able to harvest 222 mt of the 2021 Pacific cod TAC allocated to those vessels under § 679.20(a)(7)(ii)(A)(*3*).

Therefore, in accordance with § 679.20(a)(7)(iv)(C), NMFS apportions 1,500 mt of Pacific cod from the jig vessels to the annual amount specified for catcher vessels less than 60 feet (18.3 m) LOA using hook-and-line or pot gear. Also, in accordance with § 679.20(a)(7)(iii)(A), NMFS reallocates 222 mt from the catcher vessels greater than or equal to 60 feet (18.3 m) LOA using hook-and-line gear to the annual amount specified for catcher vessels less than 60 feet (18.3 m) LOA using hook-and-line or pot gear.

The harvest specifications for 2021 Pacific cod included in final 2021 and 2022 harvest specifications for groundfish in the BSAI (86 FR 11449, February 25, 2021) is revised as follows: 65 mt to vessels using jig gear, 0 mt to catcher vessels greater than or equal to 60 feet (18.3 m) LOA using hook-and-line gear, and 3,944 mt to catcher vessels less than 60 feet (18.3 m) LOA using hook-and-line or pot gear.

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

Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment would be impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public

interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would allow for harvests that exceed the originally specified apportionment of the Pacific cod TAC. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of August 18, 2021.

The Assistant Administrator for Fisheries, NOAA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

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

Dated: August 18, 2021.

David R. Blankinship,

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

[FR Doc. 2021–18096 Filed 8–23–21; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 86, No. 161
Tuesday, August 24, 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 205

[Document Number: AMS–NOP–19–0106; NOP–19–03]

RIN 0581–AD98

National Organic Program; National List of Allowed and Prohibited Substances (2022 Sunset)

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: The U.S. Department of Agriculture's Agricultural Marketing Service proposes amendments to the National List of Allowed and Prohibited Substances (National List) section of the USDA's organic regulations to implement recommendations submitted to the Secretary of Agriculture (Secretary) by the National Organic Standards Board (NOSB). This rule proposes the removal from the National List of several substances currently allowed for various uses in organic crop production, livestock production, and manufacture of processed products.

DATES: Send comments on or before October 25, 2021.

ADDRESSES: You may send comments on this proposed rule to the Federal eRulemaking Portal at *https://www.regulations.gov/*. You can access this proposed rule and instructions for submitting public comments by searching for document number AMS–NOP–19–0106. Comments may also be sent to Jared Clark, Standards Division, National Organic Program, USDA–AMS–NOP, 1400 Independence Ave. SW, Room 2642-So., Ag Stop 0268, Washington, DC 20250–0268.

Instructions: All comments received must include the docket number AMS–NOP–19–0106; NOP–19–03, and/or Regulatory Information Number (RIN) 0581–AD98 for this rulemaking. You should clearly indicate the topic and section number of the proposed rule to which your comment refers, state your position(s), offer any recommended language change(s), and include relevant information and data to support your position(s) (*e.g.,* scientific, environmental, manufacturing, industry, or industry impact information, etc.). All comments and relevant background documents posted to *https://www.regulations.gov* will include any personal information provided.

FOR FURTHER INFORMATION CONTACT: Jared Clark, Standards Division, National Organic Program, Telephone: (202) 720–3252.

SUPPLEMENTARY INFORMATION: In addition to comments about the proposed removals themselves, AMS is requesting comments about whether organic operations (producers and handlers) require time to implement the changes that would be necessary, should AMS finalize the amendments in this proposed rule. All of the substances/ingredients included in this rule have a ''sunset date'' of March 15, 2022, except for Turkish bay leaves and whey protein concentrate (sunset date of June 27, 2022). AMS requests comments on how much time after the sunset date is necessary, if any, for organic operations to comply with the proposed changes.

I. Background

On December 21, 2000, the Secretary established the Agricultural Marketing Service's (AMS) National Organic Program and the USDA organic regulations (65 FR 80547). Within the USDA organic regulations (7 CFR part 205) is the National List of Allowed and Prohibited Substances (or ''National List''). The National List identifies the synthetic substances that may be used and the nonsynthetic (natural) substances that may not be used in organic crop and livestock production. It also identifies the nonorganic substances that may be used in or on processed organic products (*i.e.,* in organic ''handling'').

To remain on the National List, substances must be: (1) Reviewed every five years by the NOSB, a 15-member Federal advisory committee; and (2) renewed by the Secretary (7 U.S.C. 6517(e)). This action of NOSB review and USDA renewal is commonly referred to as the ''sunset review'' or ''sunset process.'' AMS published information about this process in the **Federal Register** on September 16, 2013 (78 FR 56811). The sunset date (*i.e.,* the date by which the Secretary must renew a substance for the listing to remain valid on the National List) for each substance is included in the NOP Program Handbook (document NOP 5611).

Through the course of the sunset review process for the substances below, the NOSB determined the substances are no longer necessary for organic production or handling or otherwise no longer comply with the criteria set forth in the Organic Foods Production Act at 7 U.S.C. 6518.

Based on recommendations submitted at the conclusion of the NOSB's sunset review process, AMS is proposing to amend the National List by removing the following synthetic substances currently allowed in organic crop and livestock production (7 CFR 205.601 and 205.603):

- Sucrose Octanoate Esters (crop production)
- Vitamin B_1 (crop production)
- Oxytocin (livestock production)
- Procaine (livestock production)
- Sucrose Octanoate Esters (livestock production)

Additionally, AMS is proposing to amend the National List by removing the following nonorganic ingredients currently allowed in organic handling (§§ 205.605 and 205.606):

- Alginic acid
- Colors (black currant juice color, blueberry juice color, carrot juice color, cherry juice color, grape juice color, paprika color, pumpkin juice color, turmeric extract color)
- Kelp
- Konjac flour
- Sweet potato starch
- Turkish bay leaves
- Whey protein concentrate

The proposed removal of these substances from the National List addresses National Organic Standards Board (NOSB) recommendations submitted to the Secretary after the conclusion of the NOSB's public meetings on October 29, 2015; November 2, 2017; October 26, 2018; and October 30, 2020.

II. Overview of Proposed Amendments

The following provides an overview of the proposed amendments to the National List, along with the NOSB and

AMS justifications for each proposed amendment. AMS welcomes comments on the proposed amendments. Comments received during the comment period will inform AMS's decisions for the final rule—specifically, whether the proposed removals remain justified or new information demonstrates that renewal(s) (relisting) is warranted and aligned with OFPA criteria.

A. Sucrose Octanoate Esters (§§ 205.601 and 205.603)

AMS is proposing to remove sucrose octanoate esters from the National List. Sucrose octanoate esters were added to the National List effective December 11, 2007 (72 FR 69569), were renewed through two sunset reviews, and are currently listed at §§ 205.601(e)(10) and 205.603(b)(10). The 2007 rulemaking was initiated by an NOSB recommendation in August 2005 [1] for the addition of sucrose octanoate esters to the National List for use as an insecticide in organic crop production and as a miticide for use on honeybees.

Prior to the NOSB's 2018 Fall meeting, the NOSB received information indicating there are no current EPA registrations for sucrose octanoate esters and therefore no approved pesticide applications. Due to this information, as referenced in the published NOSB recommendations,[2] [3] the Board voted to remove both the crop use listing (at § 205.601(e)(10)) and the livestock (honeybee) use (at § 205.603(b)(10)). The NOSB reasoned that no argument could be made that this substance remains an essential tool for organic production if there is no current legal use consistent with the National List restrictions.

AMS agrees with the NOSB recommendation to remove sucrose octanoate esters from the National List at §§ 205.601(e)(10) and 205.603(b)(10). By 2019, there were no EPA approved products with legal uses corresponding to the National List allowances. (83 FR 16087, 16088, 16094). EPA's April 13, 2018, notice shows that the registrant of sucrose octanoate esters (75197–1, 75197–2) voluntarily cancelled its registrations. Since 2018, EPA's Pesticide Product and Label System [4] now shows two new registrations of sucrose octanoate esters (EPA Reg. No. 94424–1 and 94424–2, registered December 17, 2020), but no approved labels or uses are available at this time.

AMS agrees with the NOSB's recommendation to remove sucrose octanoate esters because this product's minimal commercial availability shows that sucrose octanoate esters are not essential for organic production. Public comments are requested on whether there is additional information available regarding the need for this substance in organic production and the availability of sucrose octanoate esters given the recent registrations.

B. Vitamin B_1 (§ 205.601)

AMS is proposing to remove Vitamin B_1 from the National List. Vitamin B_1 was added to the National List at its inception on December 21, 2000 (65 FR 80547), was renewed through several sunset reviews, and is currently listed at § 205.601(j)(9) for use as a plant or soil amendment.

In support of their sunset review [5], the NOSB requested a third-party technical report [6] on vitamins B_1, C, and E, as they are used in crop production. The technical report found that the previous claims on root growth and reduction of transplant shock associated with vitamin B_1 were largely unsubstantiated outside of a laboratory environment. Due to this and the fact there was no support voiced during the public comment process regarding efficacy or necessity, the NOSB recommended removal, citing that given this new information they no longer find vitamin B_1 compatible with a system of organic agriculture per 7 U.S.C. 6518(m)(7).

AMS agrees with the NOSB recommendation to remove vitamin B_1 as a plant and soil amendment at § 205.601(j)(9). The information referenced in the NOSB recommendation regarding use and efficacy are compelling reasons to remove vitamin B_1 from the National List for organic crop production. Further, the 2015 technical report on vitamins for crop production identified several natural and nonsynthetic alternatives to vitamin B_1 including yeast, various meals (*e.g.,* soybean meal, cottonseed meal), and other crop waste or residues. Accordingly, AMS proposes that vitamin B_1 is no longer necessary to the production of agricultural product and should be removed from the National List due to the availability of wholly natural substitutes (7 U.S.C. 6517(c)(1)(A)(ii)).

C. Oxytocin (§ 205.603)

AMS is proposing to remove oxytocin from the National List. Oxytocin was added to the National List at its inception on December 21, 2000 (65 FR 80547), was renewed through several sunset reviews, and is currently listed at § 205.603(a)(22) for use in post parturition therapeutic applications.

In the sunset review, the NOSB recommended [7] the removal of oxytocin from the National List. The NOSB determined that there are now numerous alternative methods and materials for addressing the health issues where oxytocin would be used and that the use of oxytocin no longer meets the criteria at 7 U.S.C. 6518(m)(6). Additionally, the NOSB found that use of oxytocin is not compatible with a system of sustainable agriculture (7 U.S.C. 6518(m)(7)). The NOSB requested public comment on whether this substance is essential for organic production or if there are alternative materials and methods that render it unnecessary. The public comment received in response to the request indicated that this substance is no longer necessary and supported its removal.

AMS tentatively agrees with the NOSB recommendation. While the NOSB states there are other practices or materials that render oxytocin unnecessary for organic production, AMS did not find supporting comments to that effect, and NOSB did not specifically state what the alternatives are. Further, it was stated in public comment to the NOSB that while some operations still use oxytocin as a medical treatment (assisting in clearing placenta), other operations may be using it in ways inconsistent with the listing or no longer find it necessary in organic production. AMS is seeking comments on whether suitable alternatives for the use of oxytocin exist, and if so, specifically what alternative practices or materials might replace the use of oxytocin. Further, AMS seeks information on oxytocin use that may be inconsistent with the listing. If comments show that the use of oxytocin no longer meets the exemption requirements at 7 U.S.C. 6517(c)(1)(A)(ii) and (iii), AMS is

[1] NOSB August 17, 2005, Sucrose Octanoate Esters Recommendation: *https://www.ams.usda.gov/sites/default/files/media/Sucrose%20Recommendation.pdf.*

[2] NOSB Fall 2018 Crops Sunset Recommendations: *https://www.ams.usda.gov/sites/default/files/media/CS2020SunsetFinalRecOct2018.pdf.*

[3] NOSB Fall 2018 Livestock Sunset Recommendations: *http://www.ams.usda.gov/sites/default/files/media/LS2020SunsetFinalRecOct2018.pdf.*

[4] *https://iaspub.epa.gov/apex/pesticides/f?p=PPLS:1* accessed January 29, 2021.

[5] Formal Crops Sunset Recommendations from NOSB to NOP, November 2, 2017: *https://www.ams.usda.gov/sites/default/files/media/CS2019SunsetsFinalRec.pdf.*

[6] 2015 Technical Report on Vitamins B_1, C, and E used in crop production: *https://www.ams.usda.gov/sites/default/files/media/Vitamins%20B1-C-E%20TR%202015.pdf.*

[7] Formal Livestock Sunset Recommendations from NOSB to NOP, November 2, 2017: *https://www.ams.usda.gov/sites/default/files/media/LS2019SunsetsFinalRec.pdf.*

proposing the removal of oxytocin from the National List at § 205.603(a)(22).

D. Procaine (§ 205.603)

AMS is proposing to remove procaine from the National List. Procaine was added to the National List at its inception on December 21, 2000 (65 FR 80547), was renewed through several sunset reviews, and is currently listed at § 205.603(b)(8) for use as a local anesthetic.

In support of the NOSB's sunset review of procaine, public comment was requested to determine if procaine is used in organic livestock production and whether procaine is only available in the U.S. in animal drugs compounded with antibiotics (which are not permitted in organic production) or whether procaine can be sourced by itself. The comments received indicated that procaine is rarely used, is not as effective as lidocaine (allowed in organic livestock production at § 205.603(b)(5)), and is only available in combination with prohibited antibiotics. Further comments received were in support of removing procaine from the National List. Based on the information received during the public comment period, the NOSB recommended [8] removal of procaine, given that it no longer meets the criteria stipulated by OFPA at 7 U.S.C. 6518(m)(6), due to lidocaine being more effective and because procaine is not available (*i.e.,* compounded without prohibited antibiotics).

AMS agrees with the NOSB recommendation. Given that there is another National List material, lidocaine, that renders procaine unnecessary for organic production, procaine no longer meets the exemption requirement at 7 U.S.C. 6517(c)(1)(A)(ii). Further, the NOSB referenced in their recommendation that procaine is not available on its own (*i.e.,* not compounded with an antibiotic). A search of the FDA's animal drug database (*https://animaldrugsatfda.fda.gov/*) indicates that all sixteen of the FDA approved drugs that contain procaine also contain an antibiotic (*e.g.,* Penicillin G Procaine). This information supports the fact that procaine is not used in organic production and that an exemption is not necessary (7 U.S.C. 6517(c)(1)(A)(ii)). As procaine no longer appears to meet the requirements for inclusion on the National List, AMS is proposing the removal of procaine from the National List at § 205.603(b)(8).

E. Alginic Acid (§ 205.605)

AMS is proposing to remove alginic acid from the National List. Alginic acid was added to § 205.605(a) of the National List at its inception on December 21, 2000 (65 FR 80547), was renewed through several sunset reviews, and was reclassified as synthetic on December 27, 2018 (83 FR 66559), which moved alginic acid to its current listing at § 205.605(b) for use in organic handling.

In support of their sunset review of alginic acid, the NOSB received a third-party technical report [9] in 2015 and solicited public comment at their Spring 2019 meeting. The NOSB received no comments in support of continuing the allowance or reporting use of alginic acid. In addition, no certifying agents (''certifiers'') reported this material being used by their certified operations. Further, the 2015 technical report cited other National List materials, including agar-agar, carrageenan, gellan gum, and xanthan gum, as possible alternatives to alginic acid. Based on this, the NOSB determined that there are readily available alternatives and recommended removal based on alginic acid no longer meeting the OFPA criteria at 7 U.S.C. 6518(m)(6).

AMS agrees with the NOSB recommendation. Given that there were no reports of operations using alginic acid and the availability of possible alternatives on the National List (as referenced in the technical report), this substance no longer appears to meet the requirements for inclusion on the National List at 7 U.S.C. 6517(c)(1)(A)(ii). As such, AMS proposes the removal of alginic acid from the National List at § 205.605(b).

F. Colors (§ 205.606)

AMS is proposing to remove eight nonorganic colors from the National List at § 205.606(d):

- Black currant juice color—derived from *Ribes nigrum* L.
- Blueberry juice color—derived from blueberries (*Vaccinium spp.).*
- Carrot juice color—derived from *Daucus carota* L.
- Cherry juice color—derived from *Prunus avium* (L.) L. or *Prunus cerasus* L.
- Grape juice color—derived from *Vitis vinifera* L.
- Paprika color—derived from dried powder or vegetable oil extract of *Capsicum annuum* L.
- Pumpkin juice color—derived from *Cucurbita pepo* L. or *Cucurbita maxima* Duchesne.
- Turmeric extract color—derived from *Curcuma longa* L.

These colors were added to the National List effective June 21, 2007 (72 FR 35137), were renewed through several sunset reviews, and are currently listed at § 205.606(d) as allowed nonorganic agricultural ingredients in organic products when organic versions are not commercially available.

The NOSB recommended [10] the removal of the above colors at their Fall 2020 meeting. The effect of this action is that only organic forms of these colors would be allowed in organic handling. The NOSB referenced public comments as being mixed on the availability and necessity of these colors and also noted that comments from some manufacturers stated that organic versions of these colors are available. Additionally, in the case of carrot juice color and grape juice color, the NOSB noted that the availability of these crops in organic forms should provide an adequate supply of organic carrot juice and organic grape juice for color production and cited that as a reason for their recommended removal.

AMS is proposing to remove these colors from the National List, as recommended by the NOSB. AMS is seeking comments about whether these colors remain necessary for organic production or if there are suitable organic versions available. While public comments to the NOSB were mixed, as noted in the NOSB recommendation, most of the comments were in favor of relisting these colors. Because these colors are listed in § 205.606, certified operations are required to use organic versions of these colors unless the organic versions are not commercially available (*i.e.,* not available in an appropriate form, quality, or quantity). Many of the comments supporting relisting were from organic handlers claiming that while one or more of these colors are available in organic form, they are not available in the same form or quality as the nonorganic version. Some comments from color manufacturers, however, stated that they have sufficient quantity of these colors in organic form.

AMS welcomes public comments that provide more information on whether there are sufficient amounts of the organic versions of the above colors to

[8] Formal Livestock Sunset Recommendations from NOSB to NOP, November 2, 2017: *https://www.ams.usda.gov/sites/default/files/media/LS2019SunsetsFinalRec.pdf.*

[9] Alginic Acid Technical Report, February 5, 2015: *https://www.ams.usda.gov/sites/default/files/media/Alginic%20Acid%20TR.pdf.*

[10] Formal Handling Sunset Recommendations from the NOSB to the NOP, October 30, 2020: *https://www.ams.usda.gov/sites/default/files/media/HS2022SunsetRecs_webpost.pdf.*

meet demand and on the availability of organic colors in suitable form and quality. If any of these colors are still necessary in their nonorganic form, comments should provide specific information on the attributes of the nonorganic form that are not yet sufficiently available in the organic forms. If any or all of the above colors are not currently commercially available in organic form, we request comment on whether they should be relisted (*i.e.* not removed in the final rule) or whether the final rule should provide an implementation period to provide time for sufficient quantity, quality, and/or form of the color(s) to be developed.

G. Kelp (§ 205.606)

AMS is proposing to remove nonorganic kelp from the National List. The effect of this action is that only organic forms of kelp would be allowed in organic handling. Kelp was added to the National List at its inception on December 21, 2000 (65 FR 80547), was renewed through several sunset reviews, and is currently listed at § 205.606(k) for use only as a thickener and dietary supplement only when an organic version is not commercially available.

After the Fall 2020 meeting, the NOSB recommended [11] the removal of kelp from the National List at § 205.606. During this sunset review, the NOSB received comments in support of removing as well as relisting kelp. In this sunset review, the NOSB determined that there were alternatives to kelp on the National List (namely kombu and wakame), which rendered the kelp listing no longer necessary. Because kelp no longer meets the requirement of OFPA at 7 U.S.C. 6518(m)(6) due to the existence of alternatives, the NOSB voted to recommend the removal of kelp from the National List at § 205.606.

AMS agrees with the NOSB recommendation. According to the Organic Integrity Database,[12] there are currently 106 certified crop, wild crop, and handling operations that list ''kelp'' as a certified organic product. Organic kelp appears to be commercially available; therefore, this substance no longer appears to be necessary and no longer meets the requirements for inclusion on the National List at 7 U.S.C. 6517(c)(1)(A)(ii). As such, AMS proposes the removal of nonorganic kelp from the National List at § 205.606(k).

H. Konjac Flour (§ 205.606)

AMS is proposing to remove nonorganic konjac flour from the National List. The effect of this action is that only organic forms of konjac flour would be allowed in organic handling. Konjac flour was added to the National List effective June 21, 2007 (72 FR 35137), renewed through two sunset reviews, and is currently listed at § 205.606(l). The 2007 rulemaking was initiated by an NOSB recommendation [13] for the addition of konjac flour to the National List only when an organic version is not commercially available.

After the Fall 2017 meeting, the NOSB recommended [14] the removal of konjac flour. In support of their recommendation, the NOSB solicited public comment regarding the use and necessity of konjac flour in organic handling and the availability of organic konjac flour. The NOSB received little feedback from industry in response. One trade organization reported one organic producer using konjac flour but was unsure if it was for organic products. Several certifiers stated they had not received any feedback from their clients regarding the need for or use of nonorganic konjac flour in their products. Ultimately, the NOSB voted to recommend removal of konjac flour from the National List at § 205.606(l) due to the availability of alternatives, as well as the fact that nonorganic konjac flour no longer meets the OFPA requirements at 7 U.S.C. 6518(m)(6).

AMS agrees with the NOSB recommendation. A search in the Organic Integrity Database [15] for ''konjac'' shows 30 operations with some form of certified organic konjac products (*e.g.,* powder, starch, konjac tubers). Given the lack of reported use of, or need for, nonorganic konjac flour and the availability of organic konjac flour and konjac tubers, nonorganic konjac flour appears to no longer meet the requirements for inclusion on the National List at 7 U.S.C. 6517(c)(1)(A)(ii). As such, AMS proposes the removal of nonorganic konjac flour from the National List at § 205.606(l).

I. Sweet Potato Starch (§ 205.606)

AMS is proposing to remove nonorganic sweet potato starch from the National List. The effect of this action is that only organic forms of sweet potato starch would be allowed in organic handling. Sweet potato starch was added to the National List effective June 21, 2007 (72 FR 35137), was renewed through two sunset reviews, and is currently listed at § 205.606(s)(2). The 2007 rulemaking was initiated by an NOSB recommendation [16] for the allowance of nonorganic sweet potato starch for bean thread production only when an organic version is not commercially available.

After the Fall 2020 meeting, the NOSB recommended [17] the removal of sweet potato starch from the National List at § 205.606. NOSB solicited comment on the use and necessity of sweet potato starch and received little feedback. The comments that were received suggested scant use of nonorganic sweet potato starch, readily available alternatives, and the availability of organic forms of sweet potato starch. Further, comments noted that the continued listing of nonorganic sweet potato starch is inhibiting increased production of organic forms of sweet potato starch. Based on this information, the NOSB determined that there are available alternatives to nonorganic sweet potato starch and recommended the removal of this substance because its use no longer meets the OFPA criteria at 7 U.S.C. 6518(m)(6).

AMS agrees with the NOSB recommendation. A search in the Organic Integrity Database [18] for ''potato starch'' shows 54 operations with some form of certified organic potato starch and another 25 operations with some form of certified organic pea starch, a cited alternative to sweet potato starch. Given the low reported use of nonorganic sweet potato starch and the availability of organic sweet potato starch and pea starch, nonorganic sweet potato starch appears to no longer meet the requirements for inclusion on the National List at 7 U.S.C. 6517(c)(1)(A)(ii). As such, AMS proposes the removal of nonorganic

[11] Formal Handling Sunset Recommendations from the NOSB to the NOP, October 30, 2020: *https://www.ams.usda.gov/sites/default/files/media/HS2022SunsetRecs_webpost.pdf.*

[12] Organic Integrity Database, accessed February 12, 2021: *https://organic.ams.usda.gov/integrity/Search.aspx.*

[13] NOSB Meeting Minutes & Transcripts 1992–2009: *https://www.ams.usda.gov/sites/default/files/media/NOSB%20Meeting%20Minutes%26Transcripts%201992-2009.pdf.*

[14] NOSB Formal Handling Sunset Recommendations, November 2, 2017: *https://www.ams.usda.gov/sites/default/files/media/HS2019SunsetsFinalRec.pdf.*

[15] USDA Organic Integrity Database, accessed February 12, 2021: *https://organic.ams.usda.gov/integrity/default.aspx.*

[16] NOSB Meeting Minutes & Transcripts 1992–2009: *https://www.ams.usda.gov/sites/default/files/media/NOSB%20Meeting%20Minutes%26Transcripts%201992-2009.pdf.*

[17] Formal Handling Sunset Recommendations from the NOSB to the NOP, October 30, 2020: *https://www.ams.usda.gov/sites/default/files/media/HS2022SunsetRecs_webpost.pdf.*

[18] USDA Organic Integrity Database, accessed February 8, 2021: *https://organic.ams.usda.gov/integrity/default.aspx.*

sweet potato starch from the National List at § 205.606(s)(2).

J. Turkish Bay Leaves (§ 205.606)

AMS is proposing to remove nonorganic Turkish bay leaves from the National List. The effect of this action is that organic forms only of Turkish bay leaves would be allowed in organic handling. Turkish bay leaves were added to the National List effective June 21, 2007 (72 FR 35137), were renewed through two sunset reviews, and are currently listed at § 205.606(v). The 2007 rulemaking was initiated by an NOSB recommendation [19] for the addition of Turkish bay leaves to the National List for use in organic production only when organic versions are not commercially available.

After the Fall 2015 meeting, the NOSB recommended [20] removal of Turkish bay leaves from § 205.606. This recommendation was not finalized by AMS (82 FR 31241) because public comments requested AMS maintain the allowance. Comments reported that organic whole Turkish bay leaves were not available in the quantity or quality to meet organic handling needs. During the 2020 sunset review, the NOSB received many comments supporting the removal of Turkish bay leaves due to the availability of organic versions. The NOSB cited one commenter, who uses Turkish bay leaves in a wide range of canned soups and stated there is full availability of organic forms of Turkish bay leaves. Further comments from certifiers indicated that few, if any, of their operations use nonorganic Turkish bay leaves. Based on this information, the NOSB determined that there are available alternatives to nonorganic Turkish bay leaves and recommended [21] the removal of this substance because it no longer meets the OFPA criteria at 7 U.S.C. 6518(m)(6).

AMS agrees with the NOSB recommendation. A search in the Organic Integrity Database [22] for ''bay leaves'' shows 100 crop and handling operations with some form of certified organic bay leaves. A search using the term ''Turkish bay leaves'' shows five operations, as it appears that only one certifier identifies bay leaves with that level of specificity in the Organic Integrity Database. Given that comments to the NOSB indicated organic Turkish bay leaves are readily available in all forms and the high number of operations reported in the Organic Integrity Database with organic bay leaves (of which a subset are Turkish bay leaves), nonorganic Turkish bay leaves appear to no longer meet the requirements for inclusion on the National List at 7 U.S.C. 6517(c)(1)(A)(ii). As such, AMS proposes the removal of nonorganic Turkish bay leaves from the National List at § 205.606(v).

K. Whey Protein Concentrate (§ 205.606)

AMS is proposing to remove nonorganic whey protein concentrate from the National List. The effect of this action is that only organic forms of whey protein concentrate would be allowed in organic handling. Whey protein concentrate was added to the National List effective June 21, 2007 (72 FR 35137), was renewed through two sunset reviews, and is currently listed at § 205.606(x). The 2007 rulemaking was initiated by an NOSB recommendation made at the March 2007 [23] NOSB meeting for the addition of whey protein concentrate to the National List for organic production only when an organic version is not commercially available.

After the Fall 2015 meeting, the NOSB recommended [24] removal of whey protein concentrate from § 205.606. This recommendation was not finalized by AMS (82 FR 31243) because public comment asserted that whey protein concentrate was essential to organic processed products, and there was no commercially available organic product. During the 2020 sunset review, the NOSB received many comments supporting the removal of whey protein concentrate due to the availability of organic versions. The NOSB cited several commenters who demonstrated that they produce a robust supply of organic whey protein concentrate in several forms and sell excess to the conventional market. A comment noted that the international supply chain of organic whey-based products is also robust. Further comment from at least one certifier indicated that none of their operations are using nonorganic whey protein concentrate. Based on this information, the NOSB determined that there are available alternatives to nonorganic whey protein concentrate and recommended [25] the removal of this substance because it no longer meets the OFPA criteria at 7 U.S.C. 6518(m)(6).

AMS agrees with the NOSB recommendation. A search in the Organic Integrity Database [26] for ''whey protein concentrate'' shows 22 operations with some form of certified organic whey protein concentrate. The NOSB also received comments stating that there is a substantial supply of all forms of organic whey protein concentrate and cited the diversion of some quantity to the conventional market as evidence that there is enough supply to meet the demand for organic whey protein concentrate. Given the comments submitted to the NOSB outlining the lack of use and stated abundance of supply, nonorganic whey protein concentrate appears to no longer meet the requirements for inclusion on the National List at 7 U.S.C. 6517(c)(1)(A)(ii). As such, AMS proposes the removal of nonorganic whey protein concentrate from the National List at § 205.606(x).

III. Statutory and Regulatory Authority

The OFPA authorizes the Secretary to make amendments to the National List based on recommendations developed by the NOSB. Sections 6518(k) and 6518(n) of the OFPA authorize the NOSB to develop recommendations for submission to the Secretary to amend the National List and establish a process by which persons may petition the NOSB for the purpose of having substances evaluated for inclusion on or deletion from the National List. Section 205.607 of the USDA organic regulations permits any person to petition to add or remove a substance from the National List and directs petitioners to obtain the petition procedures from USDA. The current petition procedures published in the **Federal Register** (81 FR 12680, March 10, 2016) for amending the National List can be accessed through the NOP Program Handbook on the NOP website at *https://www.ams.usda.gov/rules-regulations/organic/handbook.*

[19] NOSB Meeting Minutes & Transcripts 1992–2009: *https://www.ams.usda.gov/sites/default/files/media/NOSB%20Meeting%20Minutes%26Transcripts%201992-2009.pdf.*

[20] Formal Handling Sunset Recommendation from the NOSB to the NOP, October 2015: *https://www.ams.usda.gov/sites/default/files/media/HS%202017%20Sunset%20Final%20Rvw%20605%28a%29_%28b%29_606_final%20rec.pdf.*

[21] Formal Handling Sunset Recommendations from the NOSB to the NOP, October 30, 2020: *https://www.ams.usda.gov/sites/default/files/media/HS2022SunsetRecs_webpost.pdf.*

[22] USDA Organic Integrity Database, accessed February 8, 2021: *https://organic.ams.usda.gov/integrity/default.aspx.*

[23] NOSB Meeting Minutes & Transcripts 1992–2009; *https://www.ams.usda.gov/sites/default/files/media/NOSB%20Meeting%20Minutes%26Transcripts%2019.*

[24] Formal Handling Sunset Recommendation from the NOSB to the NOP, October 2015: *https://www.ams.usda.gov/sites/default/files/media/HS%202017%20Sunset%20Final%20Rvw%20605%28a%29_%28b%29_606_final%20rec.pdf.*

[25] Formal Handling Sunset Recommendations from the NOSB to the NOP, October 30, 2020: *https://www.ams.usda.gov/sites/default/files/media/HS2022SunsetRecs_webpost.pdf.*

[26] USDA Organic Integrity Database, accessed February 8, 2021: *https://organic.ams.usda.gov/integrity/default.aspx.*

A. Executive Orders 12866 and 13563 and the Regulatory Flexibility Act

This proposed rule does not meet the criteria of a significant regulatory action under Executive Order 12866 as supplemented by Executive Order 13563. Therefore, the Office of Management and Budget (OMB) has not reviewed this rule under those Orders.

The Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612) requires agencies to consider the economic impact of each rule on small entities and evaluate alternatives that would accomplish the objectives of the rule without unduly burdening small entities or erecting barriers that would restrict their ability to compete in the market. The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to the action.

The Small Business Administration (SBA) sets size criteria for each industry described in the North American Industry Classification System (NAICS) to delineate which operations qualify as small businesses. The SBA has classified small agricultural producers that engage in crop and animal production as those with average annual receipts of less than $1,000,000. Handlers are involved in a broad spectrum of food production activities and fall into various categories in the NAICS Food Manufacturing sector. The small business thresholds for food manufacturing operations are based on the number of employees and range from 500 to 1,250 employees, depending on the specific type of manufacturing. Certifying agents fall under the NAICS subsector ''All other professional, scientific and technical services.'' For this category, the small business threshold is average annual receipts of less than $16.5 million.

AMS has considered the economic impact of this proposed rulemaking on small agricultural entities. Data collected by the USDA National Agricultural Statistics Service (NASS) and the NOP indicate most of the certified organic production operations in the United States would be considered small entities. According to the 2019 Census of Agriculture, 16,585 organic farms in the United States reported sales of organic products and total farmgate sales more than $9.9 billion.[27] Based on that data, organic sales average just under $600,000 per farm. Assuming a normal distribution of producers, we expect that most of these producers would fall under the $750,000 sales threshold to qualify as a small business.

According to the NOP's Organic Integrity Database, there are 19,059 organic handlers that are certified under the USDA organic regulations.[28] The Organic Trade Association's 2020 Organic Industry Survey has information about employment trends among organic manufacturers. The reported data are stratified into three groups by the number of employees per company: Less than 5; 5 to 49; and 50 plus. These data are representative of the organic manufacturing sector and the lower bound (50) of the range for the larger manufacturers is significantly smaller than the SBA's small business thresholds (500 to 1,250). Therefore, AMS expects that most organic handlers would qualify as small businesses.

SBA defines small agricultural service firms, which include certifying agents, as those having annual receipts of less than $8,000,000 (13 CFR 121.201). There are currently 77 USDA-accredited certifying agents; based on a query of the NOP certified organic operations database. While many certifying agents are small entities that would be affected by this proposed rule, we do not expect that these certifying agents would incur significant costs as a result of this action. Certifying agents already must comply with the current regulations, *e.g.,* maintaining certification records for organic operations.

AMS has determined that this rule would not have a significant impact on a substantial number of small entities, as defined by SBA. The effect of this rule, if implemented as final, would be to remove the allowance of seventeen substances in organic production and organic handling. The removal of these substances, while numerous, is due to the fact that alternatives have rendered them no longer necessary, they are no longer in use, or organic versions have become available. AMS invites comments on the anticipated costs of this proposed rule, including the impacts on small businesses.

B. Executive Order 12988

Executive Order 12988 instructs each executive agency to adhere to certain requirements in the development of new and revised regulations to avoid unduly burdening the court system. Accordingly, to prevent duplicative regulation, states and local jurisdictions are preempted under the OFPA from creating programs of accreditation for private persons or state officials who want to become certifying agents of organic farms or handling operations. A governing state official would have to apply to USDA to be accredited as a certifying agent, as described in section 6514(b) of the OFPA. States are also preempted under sections 6503 through 6507 of the OFPA from creating certification programs to certify organic farms or handling operations unless the state programs have been submitted to, and approved by, the Secretary as meeting the requirements of the OFPA.

Pursuant to section 6507(b)(2) of the OFPA, a state organic certification program that has been approved by the Secretary may, under certain circumstances, contain additional requirements for the production and handling of agricultural products organically produced in the state and for the certification of organic farm and handling operations located within the state. Such additional requirements must (a) further the purposes of the OFPA, (b) not be inconsistent with the OFPA, (c) not be discriminatory toward agricultural commodities organically produced in other States, and (d) not be effective until approved by the Secretary.

In addition, pursuant to section 6519(c)(6) of the OFPA, this proposed rule would not supersede or alter the authority of the Secretary under the Federal Meat Inspection Act (21 U.S.C. 601–624), the Poultry Products Inspection Act (21 U.S.C. 451–471), or the Egg Products Inspection Act (21 U.S.C. 1031–1056), concerning meat, poultry, and egg products, respectively, nor any of the authorities of the Secretary of Health and Human Services under the Federal Food, Drug and Cosmetic Act (21 U.S.C. 301 *et seq.*), nor the authority of the Administrator of the EPA under the Federal Insecticide, Fungicide and Rodenticide Act (7 U.S.C. 136 *et seq.*).

This proposed rule is not intended to have a retroactive effect.

C. Paperwork Reduction Act

No additional collection or recordkeeping requirements are imposed on the public by this proposed rule. Accordingly, OMB clearance is not required by the Paperwork Reduction Act of 1995, 44 U.S.C. 3501, Chapter 35.

D. Executive Order 13175

This proposed rule has been reviewed under Executive Order 13175—Consultation and Coordination with Indian Tribal Governments. Executive Order 13175 requires Federal agencies to consult and coordinate with tribes on a government-to-government basis on:

[27] U.S. Department of Agriculture, National Agricultural Statistics Service. 2019 Census of Agriculture. *https://www.nass.usda.gov/Publications/AgCensus/2017/Online_Resources/Organics/ORGANICS.pdf.*

[28] Organic Integrity Database: *https://organic.ams.usda.gov/Integrity/.* Accessed on January 29, 2021.

(1) Policies that have tribal implication, including regulation, legislative comments, or proposed legislation; and (2) other policy statements or actions that have substantial direct effects on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

AMS has assessed the impact of this proposed rule on Indian tribes and determined that this rule would not have tribal implications that require consultation under Executive Order 13175. AMS hosts a quarterly teleconference with tribal leaders where matters of mutual interest regarding the marketing of agricultural products are discussed. Information about the proposed changes to the regulations will be shared during an upcoming quarterly call, and tribal leaders will be informed about the proposed revisions to the regulation and the opportunity to submit comments. AMS will work with the USDA Office of Tribal Relations to ensure meaningful consultation is provided as needed with regards to the NOP regulations.

E. General Notice of Public Rulemaking

This proposed rule reflects recommendations submitted by the NOSB to the Secretary to add three substances to the National List. A 60-day period for interested persons to comment on this rule is provided.

List of Subjects in 7 CFR Part 205

Administrative practice and procedure, Agriculture, Animals, Animal drugs, Dairy products, Food grades and standards, Foods, Labeling, Livestock, Meat and meat products, Organically produced products, Reporting and recordkeeping requirements, Seals and insignia.

For the reasons set forth in the preamble, AMS proposes to amend 7 CFR part 205 as follows:

PART 205—NATIONAL ORGANIC PROGRAM

■ 1. The authority citation for 7 CFR part 205 continues to read as follows:

Authority: 7 U.S.C. 6501–6524.

■ 2. Amend § 205.601 by removing paragraph (e)(10) and revising paragraph (j)(9).

The revision to read as follows:

§ 205.601 Synthetic substances allowed for use in organic crop production.

* * * * *

(j) * * *

(9) Vitamins C and E.

* * * * *

§ 205.603 [Amended]

■ 3. Amend § 205.603 by:

■ a. Removing paragraph (a)(22);

■ b. Redesignating paragraphs (a)(23) through (30) as paragraphs (a)(22) through (29), respectively;

■ c. Removing paragraphs (b)(8) and (10); and

■ d. Redesignating paragraphs (b)(9), (11) and (12) as paragraphs (b)(8) through (10), respectively.

§ 205.605 [Amended]

■ 4. In § 205.605(b) remove the words ''Alginic acid (CAS # 9005–32–7)''.

■ 5. Revise § 205.606 to read as follows:

§ 205.606 Nonorganically produced agricultural products allowed as ingredients in or on processed products labeled as "organic."

Only the following nonorganically produced agricultural products may be used as ingredients in or on processed products labeled as ''organic,'' only in accordance with any restrictions specified in this section, and only when the product is not commercially available in organic form.

(a) Carnauba wax.

(b) Casings, from processed intestines.

(c) Celery powder.

(d) Colors derived from agricultural products—Must not be produced using synthetic solvents and carrier systems or any artificial preservative.

(1) Beet juice extract color—derived from *Beta vulgaris* L., except must not be produced from sugarbeets.

(2) Beta-carotene extract color—derived from carrots (*Daucus carota* L.) or algae (*Dunaliella salina*).

(3) Black/purple carrot juice color—derived from *Daucus carota* L.

(4) Chokeberry, aronia juice color—derived from *Aronia arbutifolia* (L.) Pers. or *Aronia melanocarpa* (Michx.) Elliott.

(5) Elderberry juice color—derived from *Sambucus nigra* L.

(6) Grape skin extract color—derived from *Vitis vinifera* L.

(7) Purple sweet potato juice color—derived from *Ipomoea batatas* L. or *Solanum tuberosum* L.

(8) Red cabbage extract color—derived from *Brassica oleracea* L.

(9) Red radish extract color—derived from *Raphanus sativus* L.

(10) Saffron extract color—derived from *Crocus sativus* L.

(e) Fish oil (Fatty acid CAS #'s: 10417–94–4, and 25167–62–8)—stabilized with organic ingredients or only with ingredients on the National List, §§ 205.605 and 205.606.

(f) Fructooligosaccharides (CAS # 308066–66–2).

(g) Gelatin (CAS # 9000–70–8).

(h) Glycerin (CAS # 56–81–5)—produced from agricultural source materials and processed using biological or mechanical/physical methods as described under § 205.270(a).

(i) Gums—water extracted only (Arabic; Guar; Locust bean; and Carob bean).

(j) Inulin-oligofructose enriched (CAS # 9005–80–5).

(k) Lecithin—de-oiled.

(l) Orange pulp, dried.

(m) Orange shellac-unbleached (CAS # 9000–59–3).

(n) Pectin (non-amidated forms only).

(o) Potassium acid tartrate.

(p) Seaweed, Pacific kombu.

(q) Starches.

(1) Cornstarch (native).

(2) [Reserved]

(r) Tamarind seed gum.

(s) Tragacanth gum (CAS # 9000–65–1).

(t) Wakame seaweed (*Undaria pinnatifida*).

Erin Morris,

Associate Administrator, Agricultural Marketing Service.

[FR Doc. 2021–17835 Filed 8–23–21; 8:45 am]

BILLING CODE P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 915

[Doc. No. AMS–SC–21–0040]

Avocados Grown in South Florida; Increased Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would implement an Avocado Administrative Committee recommendation to increase the assessment rate established for the 2021–22 and subsequent fiscal years. The proposed assessment rate would remain in effect indefinitely unless modified, suspended, or terminated.

DATES: Comments must be received by September 23, 2021.

ADDRESSES: Interested persons are invited to submit written comments concerning this proposed rule. Comments must be submitted on the internet at: *https://www.regulations.gov.* Comments should reference the document number and the date and page number of this issue of the **Federal Register** and will be available for public

inspection in the Office of the Docket Clerk during regular business hours, or can be viewed at: *https://www.regulations.gov.* All comments submitted in response to this proposed rule will be included in the record and will be made available to the public. Please be advised that the identity of individuals or entities submitting comments will be made public on the internet at the address provided above.

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; Telephone: (863) 324–3375, Fax: (863) 291–8614, or Email: *Abigail.Campos@usda.gov* or *Christian.Nissen@usda.gov.*

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

SUPPLEMENTARY INFORMATION: This action, pursuant to 5 U.S.C. 553, proposes an amendment to regulations issued to carry out a marketing order as defined in 7 CFR 900.2(j). This proposed rule is issued under Marketing Agreement No. 121 and Marketing Order No. 915, both as amended (7 CFR part 915), regulating the handling of avocados grown in south Florida. Part 915, (referred to as ''the Order'') is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.'' The Avocado Administrative Committee (Committee) locally administers the Order and is comprised of growers and handlers operating within the area of production, and a public member.

The Department of Agriculture (USDA) is issuing this proposed rule in conformance with Executive Orders 12866 and 13563. Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility. This action falls within a category of regulatory actions that the Office of Management and Budget (OMB) exempted from Executive Order 12866 review.

This proposed rule has been reviewed under Executive Order 13175—Consultation and Coordination with Indian Tribal Governments, which requires agencies to consider whether their rulemaking actions would have tribal implications. AMS has determined that this proposed rule is unlikely to have substantial direct effects on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. Under the marketing Order now in effect, Florida avocado handlers are subject to assessments. Funds to administer the Order are derived from such assessments. It is intended that the assessment rate as proposed herein would be applicable to all assessable Florida avocados for the 2021–22 fiscal year, and continue until amended, suspended, or terminated.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with USDA a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. Such handler is afforded the opportunity for a hearing on the petition. After the hearing, USDA would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review USDA's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

This proposed rule would increase the assessment rate established for the Committee for the 2021–22 and subsequent fiscal years from $0.35 to $0.45 per 55-pound bushel container of avocados.

The Order provides authority for the Committee, with the approval of USDA, to formulate an annual budget of expenses and collect assessments from handlers to administer the program. Nine of ten members of the Committee are producers and handlers of Florida avocados. They are familiar with the Committee's needs and with costs for goods and services in their local area and are able to formulate an appropriate budget and assessment rate. The assessment rate is formulated and discussed in a public meeting and all directly affected persons have an opportunity to participate and provide input.

For the 2016–17 and subsequent fiscal years, the Committee recommended, and USDA approved, an assessment rate that would continue in effect from fiscal year to fiscal year unless modified, suspended, or terminated by USDA upon recommendation and information submitted by the Committee or other information available to USDA.

The Committee met on April 14, 2021 and recommended 2021–22 expenditures of $348,484 and an assessment rate of $0.45 per 55-pound bushel container of avocados. In comparison, last year's budgeted expenditures were $280,484. The assessment rate of $0.45 is $0.10 higher than the rate currently in effect. During the last few seasons, the Committee has not funded research projects. However, the laurel wilt disease continues to challenge the avocado industry. The Committee discussed the need for research funding and added $80,000 to its proposed budget for this research and recommended increasing the assessment rate to cover the additional expense. At the current assessment rate, assessment income would equal only $280,000, an amount insufficient to cover the Committee's anticipated expenditures of $348,484. By increasing the assessment rate by $0.10, assessment income would be $360,000. This amount should provide sufficient funds to meet 2021–2022 anticipated expenses.

Major expenditures recommended by the Committee for the 2021–22 year include $116,164 for salaries, $80,000 for research, and $53,350 for employee benefits. Budgeted expenses for these items in 2020–21 were $116,164, $0, and $53,350, respectively.

The assessment rate recommended by the Committee was derived by reviewing anticipated expenses, expected shipments of Florida avocados, and the amount of funds in reserve. Avocado shipments for the year are estimated at 800,000 55-pound bushel containers, which, as mentioned before, should provide $360,000 in assessment income (80,000 containers × $0.45). Income derived from handler assessments at the proposed rate, along with interest income, should be adequate to cover budgeted expenses. Funds in the reserve (currently about $250,000) are expected to be kept within the maximum permitted by the Order

(approximately three fiscal years' expenses as authorized in § 915.42).

The proposed assessment rate would continue in effect indefinitely unless modified, suspended, or terminated by USDA upon recommendation and information submitted by the Committee or other available information.

Although this assessment rate would be in effect for an indefinite period, the Committee will continue to meet prior to or during each fiscal year to recommend a budget of expenses and consider recommendations for modification of the assessment rate. Dates and times of Committee meetings are available from the Committee or USDA. Committee meetings are open to the public, and interested persons may express their views at these meetings. USDA would evaluate Committee recommendations and other available information to determine whether modification of the assessment rate is needed. Further rulemaking would be undertaken as necessary. The Committee's 2021–22 budget and those for subsequent fiscal years would be reviewed and, as appropriate, approved by USDA.

Initial Regulatory Flexibility Analysis

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

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

There are approximately 325 producers of Florida avocados in the production area and 25 handlers subject to regulation under the marketing order. Small agricultural producers are defined by the Small Business Administration (SBA) as those having annual receipts less than $1,000,000, and small agricultural service firms are defined as those whose annual receipts are less than $30,000,000 (13 CFR 121.201).

According to the National Agricultural Statistical Service (NASS), the average grower price paid for Florida avocados during the 2020–21 season was $21.97 per 55-pound bushel. Utilized production was equivalent to 624,364 55-pound bushels for a total value of over $13,718,830. Dividing the crop value by the estimated number of producers (325) yields an estimated average receipt per producer of $42,212, so the majority of producers would have annual receipts of less than $1,000,000.

USDA Market News reported April 2021 terminal market prices for green skinned avocados were about $36.43 per 24-pound container. Using this price and the total utilization, the total 2020–21 handler crop value is estimated at $52.1 million. Dividing this figure by the number of handlers (25) yields an estimated average annual handler receipts of over $2 million, which is below the SBA threshold for small agricultural service firms. Thus, the majority of Florida avocado producers and handlers are classified as small entities.

This proposal would increase the assessment rate established for the Committee and collected from handlers for the 2021–22 and subsequent fiscal years from $0.35 to $0.45 per 55-pound bushel container of avocados. The Committee recommended 2021–22 expenditures of $348,484 and an assessment rate of $0.45 per 55-pound bushel container. The proposed assessment rate of $0.45 is $0.10 higher than the previous rate. The quantity of assessable avocados for the 2021–22 season is estimated at 800,000 55-pound bushel containers. Thus, the $0.45 rate should provide $360,000 in assessment income and be adequate to meet this year's expenses.

Major expenditures recommended by the Committee for the 2021–22 fiscal year include $116,164 for salaries, $80,000 for research, and $53,350 for employee benefits. Budgeted expenses for these items in 2020–21 were $116,164, $0, and $53,350, respectively.

In recent years, the Committee did not fund any research. However, Committee members believe further research is needed to address laurel wilt disease and voted to commit $80,000 to research in the coming fiscal year. At the current assessment rate and with the 2021–22 crop estimated to be 800,000 55-pound bushel containers, assessment income would equal only $280,000, an amount insufficient to cover the Committee's anticipated expenditures of $348,484. By increasing the assessment rate by $0.10, assessment income would be approximately $360,000. This amount should provide sufficient funds to meet 2021–22 anticipated expenses. Consequently, the Committee recommended increasing the assessment rate.

Prior to arriving at this budget and assessment rate, the Committee considered information from various sources, including its Research Subcommittee. The Committee discussed alternative expenditure levels based upon the relative value of various activities to the south Florida avocado industry. The Committee ultimately determined that 2021–22 expenditures of $348,484, including additional funds for research, were appropriate, and the recommended assessment rate, along with interest income, should generate sufficient revenue to meet its expenses.

A review of historical information and preliminary information pertaining to the upcoming season indicates that the grower price for the 2021–22 season should be around $20–25 per 55-pound bushel container of avocados. Therefore, the estimated assessment revenue for the 2021–22 fiscal year as a percentage of total grower revenue would be between 1.8 and 2.25 percent.

This action would increase the assessment obligation imposed on handlers. While assessments impose some additional costs on handlers, these costs are minimal and uniform on all handlers. Additionally, these costs would be offset by benefits derived by the operation of the marketing order.

The Committee's meeting was widely publicized throughout the Florida avocado industry and all interested persons were invited to attend the meeting and participate in Committee deliberations on all issues. Like all Committee meetings, the April 14, 2021 meeting was a public meeting, and all entities, both large and small, were able to express views on this issue. Finally, interested persons are invited to submit comments on this proposed rule, including the regulatory and informational impacts of this action on small businesses.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Order's information collection requirements have been previously approved by the Office of Management and Budget (OMB) and assigned OMB No. 0581–0189 Fruit Crops. No changes in those requirements would be necessary as a result of this proposed rule. Should any changes become necessary, they would be submitted to OMB for approval.

This proposed rule would not impose any additional reporting or recordkeeping requirements on either small or large Florida avocado handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

AMS is committed to complying with the E-Government Act, to promote the use of the internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

USDA has not identified any relevant Federal rules that duplicate, overlap, or conflict with this action.

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

A 30-day comment period is provided to allow interested persons to respond to this proposed rule.

List of Subjects in 7 CFR Part 915

Avocados, Marketing agreements, Reporting and recordkeeping requirements.

For reasons set forth in the preamble, 7 CFR part 915 is proposed to be amended as follows:

PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

■ 1. The authority citation for 7 CFR part 915 continues to read as follows:

Authority: 7 U.S.C. 601–674.

■ 2. Section 915.235 is revised to read as follows:

§ 915.235 Assessment rate.

On and after April 1, 2021, an assessment rate of $0.45 per 55-pound container or equivalent is established for avocados grown in South Florida.

Erin Morris,

Associate Administrator, Agricultural Marketing Service.

[FR Doc. 2021–18067 Filed 8–23–21; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

10 CFR Part 52

[NRC–2017–0029]

RIN 3150–AJ98

NuScale Small Modular Reactor Design Certification

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule; extension of comment period.

SUMMARY: On July 1, 2021, the U.S. Nuclear Regulatory Commission (NRC) issued for public comment proposed amendments to its regulations to certify the NuScale standard design for a small modular reactor. The public comment period was originally scheduled to close on August 30, 2021. The NRC has decided to extend the public comment period by an additional 45 days to allow more time for members of the public to develop and submit their comments.

DATES: The comment period for the document published on July 1, 2021 (86 FR 34999) is extended. Comments should be filed no later than October 14, 2021. Comments received after this date will be considered, if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

ADDRESSES: You may submit comments by any of the following methods (unless the document published on July 1, 2021, describes a different method for submitting comments on a specific subject); however, the NRC encourages electronic comment submission through the Federal rulemaking website:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2017–0029. Address questions about NRC Docket IDs to Dawn Forder; telephone: 301–415–3407; email: *Dawn.Forder@nrc.gov.* For technical questions, contact the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Email comments to: Rulemaking.Comments@nrc.gov.* If you do not receive an automatic email reply confirming receipt, then contact us at 301–415–1677.

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: Dennis Andrukat, Office of Nuclear Material Safety and Safeguards, telephone: 301–415–361, email: *Dennis.Andrukat@nrc.gov,* and Carolyn Lauron, Office of Nuclear Reactor Regulation, telephone: 301–415–2736, email: *Carolyn.Lauron@nrc.gov.* Both are staff of the U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2017–0029 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

- *Federal Rulemaking website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2017–0029.
- *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, at 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 between 8 a.m. and 4 p.m. (EST), Monday through Friday, except Federal holidays.
- *Attention:* The Technical Library, which is located at Two White Flint North, 11545 Rockville Pike, Rockville, Maryland 20852, is open by appointment only. Interested parties may make appointments to examine documents by contacting the NRC Technical Library by email at *Library.Resource@nrc.gov* between 8 a.m. and 4 p.m. (ET), Monday through Friday, except Federal holidays.

B. Submitting Comments

The NRC encourages electronic comment submission through the Federal Rulemaking website (*https://www.regulations.gov*). Please include Docket ID NRC–2017–0029 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.

I. Discussion

On July 1, 2021, the NRC solicited comments on the proposed NuScale small modular reactor design certification. The NRC proposed amendments to its regulations so that applicants or licensees intending to construct and operate a NuScale standard design may do so by referencing the design certification rule. The public comment period was originally scheduled to close on August 30, 2021.

On July 27, 2021, the NRC received a public comment (ADAMS Accession No. ML21209A763) requesting that the comment period for the proposed rule be extended by an additional 90 days. The request states that due to the large volume of related documents that need to be reviewed, additional time is needed to submit comments. No specific basis was given for requesting an additional 90 days to prepare comments.

The NRC seeks to ensure that the public has a reasonable opportunity to provide the NRC with comments on this proposed action. The NRC acknowledges that the rulemaking documents contain a significant amount of information. However, the NRC is also responsible for deciding whether to issue a design certification within a reasonable time. Accordingly, to balance these interests, the NRC has decided to extend the comment period for the proposed rule for an additional 45 days. A 45-day extension provides a reasonable opportunity for all stakeholders to review these documents and to develop informed comments on these documents, while not unduly delaying the NRC's final decision on the design certification.

The NRC has decided to extend the public comment period for the proposed rule until October 14, 2021, to allow more time for members of the public to submit their comments.

Dated: August 17, 2021.

For the Nuclear Regulatory Commission.

Annette L. Vietti-Cook,

Secretary of the Commission.

[FR Doc. 2021–18071 Filed 8–23–21; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0692; Project Identifier MCAI–2020–01585–T]

RIN 2120–AA64

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

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to supersede Airworthiness Directive (AD) 2018–19–28, which applies to certain Embraer S.A. Model ERJ 190–100 STD, –100 LR, –100 ECJ, –100 IGW, –200 STD, –200 LR, and –200 IGW airplanes; and AD 2014–16–16, which applies to all of those airplane models. AD 2014–16–16 requires, for certain airplanes, retorquing and replacing the pylon lower link fittings, and for all airplanes, repetitively retorquing those fittings. AD 2018–19–28 requires modifying the attaching parts of the pylon lower link fittings. Since the FAA issued AD 2014–16–16 and AD 2018–19–28, the FAA finds it necessary to change the compliance time for the modification. This proposed AD would require an inspection of certain shear pins, replacement if necessary, and revised compliance times for the modification, as specified in an Agência Nacional de Aviação Civil (ANAC) 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 October 8, 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 ANAC material that will be incorporated by reference (IBR) in this AD, contact National Civil Aviation Agency (ANAC), Aeronautical Products Certification Branch (GGCP), Rua Dr. Orlando Feirabend Filho, 230—Centro Empresarial Aquarius—Torre B—Andares 14 a 18, Parque Residencial Aquarius, CEP 12.246–190—São José dos Campos—SP, BRAZIL, Tel: 55 (12) 3203–6600; Email: *pac@anac.gov.br;* internet *www.anac.gov.br/en/.* You may find this IBR material on the ANAC website at *https://sistemas.anac.gov.br/certificacao/DA/DAE.asp.* For Embraer service information identified in this proposed AD, contact Embraer S.A., Technical Publications Section (PC 060), Av. Brigadeiro Faria Lima, 2170—Putim—12227–901 São Jose dos Campos—SP—Brazil; telephone +55 12 3927–5852 or +55 12 3309–0732; fax +55 12 3927–7546; email *distrib@embraer.com.br;* internet *http://www.flyembraer.com.* For Embraer service information identified in this proposed AD that is applicable to Yaborã Indústria Aeronáutica S.A. Model ERJ 190–100 ECJ airplanes, contact Embraer S.A., Technical Publications Section (PC 560), Rodovia Presidente Dutra, km 134, 12247–004 Distrito Eugênio de Melo—São José dos Campos—SP—Brazil; telephone +55 12 3927–0386; email *distrib@embraer.com.br;* internet *https://www.mytechcare.embraer.com.* You may view this IBR material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0692.

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–2021–0692; 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: Krista Greer, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3221; email *krista.greer@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–2021–0692; Project Identifier MCAI–2020–01585–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 Krista Greer, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3221; email *krista.greer@faa.gov.* Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

The FAA issued AD 2014–16–16, Amendment 39–17940 (79 FR 48018, August 15, 2014) (AD 2014–16–16), which applies to all Embraer S.A. Model ERJ 190–100 STD, –100 LR, –100 ECJ, –100 IGW, –200 STD, –200 LR, and –200 IGW airplanes. AD 2014–16–16 requires, for certain airplanes, retorquing and replacing the pylon outboard and inboard lower link fittings, and for all airplanes, that AD also requires repetitive retorquing of the pylon outboard and inboard lower link fittings. The FAA issued AD 2014–16–16 to prevent loss of a shear pin on the pylon outboard and inboard lower link fittings, which could result in failure of the fitting and consequent separation of the engine from the wing.

The FAA also issued AD 2018–19–28, Amendment 39–19429 (83 FR 48935, September 28, 2018) (AD 2018–19–28), which applies to certain Embraer S.A. Model ERJ 190–100 STD, –100 LR, –100 ECJ, –100 IGW, –200 STD, –200 LR, and –200 IGW airplanes. AD 2018–19–28 requires modification of the attaching parts of the left-hand (LH) and right-hand (RH) pylon lower link fittings, inboard and outboard positions. The FAA issued AD 2018–19–28 to prevent loss of integrity of the engine pylon lower link fittings, possibly resulting in separation of the engine from the wing. AD 2018–19–28 specified that accomplishing certain actions required by that AD terminated certain requirements of AD 2014–16–16.

Actions Since ADs 2014–16–16 and 2018–19–28 Were Issued

Since the FAA issued ADs 2014–16–16 and 2018–19–28, cracked nuts and an external shear pin with damaged threads were found when the pylon outboard and inboard lower link fittings were retorqued. In addition, the FAA finds it necessary to change the compliance time for the modification of the pylon lower link fitting attaching parts, in order to prevent loss of integrity of the engine pylon lower link fittings.

ANAC, which is the aviation authority for Brazil, has issued ANAC AD 2020–06–02R02, effective November 30, 2020 (ANAC AD 2020–06–02R02) (also referred to as the Mandatory Continuing Airworthiness Information, or the MCAI), to correct an unsafe condition for certain Yaborã Indústria Aeronáutica S.A. Model ERJ 190–100 STD, –100 LR, –100 ECJ, –100 IGW, –200 STD, –200 LR, and –200 IGW airplanes. ANAC AD 2020–06–02R02 supersedes ANAC AD 2014–07–01 (which corresponds to FAA AD 2014–16–16) and ANAC AD 2017–01–01 (which corresponds to FAA AD 2018–19–28). Model 190–100 SR airplanes are not certificated by the FAA and are not included on the U.S. type certificate data sheet; this AD therefore does not include those airplanes in the applicability.

This proposed AD was prompted by reports of bushing migration, loss of nut torque on the engine pylon lower inboard and outboard link fittings, a loose lower link assembly, and damaged nuts. The existing torque values could cause damage to the nuts, which could lead to loss of the shear pins of the pylon outboard and inboard lower link fittings. In addition, the existing compliance time for the modification of the pylon lower link fitting attaching parts has been found to be inadequate to address the unsafe condition. The FAA is proposing this AD to prevent loss of integrity of the lower link fittings of the engine pylon, which could result in separation of the engine from the wing. See the MCAI for additional background information.

Explanation of Retained Requirements

Although this proposed AD does not explicitly restate the requirements of ADs 2014–16–16 and 2018–19–28, this proposed AD would retain all of the requirements of AD 2014–16–16 and AD 2018–19–28. Those requirements are referenced in ANAC AD 2020–06–02R02, which, in turn, is referenced in paragraph (g) of this proposed AD.

Related Service Information Under 1 CFR Part 51

ANAC AD 2020–06–02R02 describes procedures for: Reduction of the torque to be applied to the castellated nuts of the external shear pins; inspection of the external shear pin; modification of the attaching parts of the LH and RH pylon lower link fittings, inboard and outboard positions; and repetitive retorquing of the pylon outboard and inboard lower link fittings.

This AD also requires Embraer Service Bulletin 190–54–0013, dated November 27, 2012; and Embraer Service Bulletin 190LIN–54–0004, dated December 20, 2012; which the Director of the Federal Register approved for incorporation by reference as of September 2, 2014 (79 FR 48018, August 15, 2014).

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.

Explanation of Change to Manufacturer's Name Specified in This NPRM

The FAA has revised references to the manufacturer's name specified throughout this NPRM to identify the manufacturer name as published in the most recent type certificate data sheet for the affected models.

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 pertinent information and determined an unsafe condition exists and is likely to exist or develop on other products of the same type design.

Proposed AD Requirements

This proposed AD would require accomplishing the actions specified in ANAC AD 2020–06–02R02 described previously, as proposed for incorporation by reference, except for any differences identified as exceptions in the regulatory text of this proposed AD, and except as discussed under ''Differences Between this Proposed AD and the MCAI.''

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use some civil aviation authority (CAA) ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, the FAA proposes to incorporate ANAC AD 2020–06–02R02 by reference in the FAA final rule. This proposed AD would, therefore, require compliance with ANAC AD 2020–06–02R02 in its entirety through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Service information required by ANAC AD 2020–06–02R02 for compliance will be available at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0692 after the FAA final rule is published.

Differences Between This Proposed AD and the MCAI

The applicability of ANAC AD 2020–06–02R02 is limited to certain airplanes of the affected models. However, the applicability of this proposed AD includes all airplanes. Because the affected lock assemblies are rotable parts, the FAA has determined that these parts could later be installed on airplanes that were initially delivered with the acceptable lock assemblies, thereby subjecting those airplanes to the unsafe condition. The FAA has confirmed that the requirement in paragraph (w) of ANAC AD 2020–06–02R02 is applicable to the expanded group of airplanes.

Costs of Compliance

The FAA estimates that this proposed AD affects 85 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Retained actions from AD 2014–16–16.	6 work-hours × $85 per hour = $510	$0	$510	Up to $43,350
Retained actions from AD 2018–19–28.	Up to 270 work-hours × $85 per hour = Up to $22,950	$3,200	Up to $26,150	Up to $2,222,750
New proposed actions	Up to 274 work-hours × $85 per hour = Up to $23,290	Up to $3,180	Up to $26,470	Up to $2,249,950

The FAA has received no definitive data on which to base the cost estimates for the on-condition actions 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:

■ a. Removing Airworthiness Directive (AD) 2014–16–16, Amendment 39–

17940 (79 FR 48018, August 15, 2014); and AD 2018–19–28, Amendment 39–19429 (83 FR 48935, September 28, 2018); and

■ b. Adding the following new AD:

Yaborã Indústria Aeronáutica S.A. (Type Certificate Previously Held by Embraer S.A.): Docket No. FAA–2021–0692; Project Identifier MCAI–2020–01585–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by October 8, 2021.

(b) Affected ADs

(1) This AD replaces AD 2014–16–16, Amendment 39–17940 (79 FR 48018, August 15, 2014) (AD 2014–16–16).

(2) This AD also replaces AD 2018–19–28, Amendment 39–19429 (83 FR 48935, September 28, 2018) (AD 2018–19–28).

(c) Applicability

This AD applies to all Yaborã Indústria Aeronáutica S.A. (type certificate previously held by Embraer S.A.) Model ERJ 190–100 STD, –100 LR, –100 ECJ, –100 IGW, –200 STD, –200 LR, and –200 IGW airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 54, Nacelles/pylons.

(e) Reason

This AD was prompted by reports of bushing migration, loss of nut torque on the engine pylon lower inboard and outboard link fittings, a loose lower link assembly, and damaged nuts, and the need to shorten the compliance time for the modification of the pylon lower link fitting attaching parts. The FAA is issuing this AD to prevent loss of integrity of the lower link fittings of the engine pylon, which could lead to separation of the engine from the wing.

(f) Compliance

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

(g) Requirements

For airplanes identified in Agência Nacional de Aviação Civil (ANAC) AD 2020–06–02R02, effective November 30, 2020 (ANAC AD 2020–06–02R02): Except as specified in paragraphs (h) and (i) of this AD, comply with all required actions and compliance times specified in, and in accordance with, ANAC AD 2020–06–02R02.

(h) Exceptions to ANAC AD 2020–06–02R02

(1) Where ANAC AD 2020–06–02R02 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where ANAC AD 2020–06–02R02 refers to July 3, 2014, this AD requires using September 2, 2014 (the effective date of AD 2014–16–16).

(3) Where ANAC AD 2020–06–02R02 refers to April 25, 2017, this AD requires using November 2, 2018 (the effective date of AD 2018–19–28).

(4) Paragraphs (y), ''Alternative methods of compliance (AMOCs),'' and (z), ''Material incorporated by reference,'' of ANAC AD 2020–06–02R02 do not apply to this AD.

(5) Where ANAC AD 2020–06–02R02 specifies ''replace immediately,'' this AD requires replacing ''before further flight.''

(6) Paragraph (w), ''Parts installation prohibition,'' of ANAC AD 2020–06–02R02 does not apply to this AD, except as specified in paragraph (i) of this AD.

(i) Parts Installation Prohibition

As of September 2, 2014 (the effective date of AD 2014–16–16), no person may install a lock assembly identified in Embraer Service Bulletin 190–54–0013, dated November 27, 2012; or Embraer Service Bulletin 190LIN–54–0004, dated December 20, 2012; at the inboard or outboard lower link fitting on any airplane.

(j) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Large Aircraft Section, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or responsible Flight Standards Office, as appropriate. If sending information directly to the Large Aircraft Section, International Validation Branch, send it to the attention of the person identified in paragraph (k)(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 ANAC; or ANAC's authorized Designee. If approved by the ANAC Designee, the approval must include the Designee's authorized signature.

(3) *Required for Compliance (RC*): Except as specified by paragraph (h) of this AD: For service information that contains steps that are labeled as Required for Compliance (RC), the provisions of paragraphs (j)(3)(i) and (ii) of this AD apply.

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

(ii) Steps not labeled as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the RC steps, including substeps and identified figures, can still be done as specified, and the airplane can be put back in an airworthy condition.

(k) Related Information

(1) For ANAC AD 2020–06–02R02, contact National Civil Aviation Agency (ANAC), Aeronautical Products Certification Branch (GGCP), Rua Dr. Orlando Feirabend Filho, 230—Centro Empresarial Aquarius—Torre B—Andares 14 a 18, Parque Residencial Aquarius, CEP 12.246–190—São José dos Campos—SP, BRAZIL, Tel: 55 (12) 3203–6600; Email: *pac@anac.gov.br.* You may find this IBR material on the ANAC website at *https://sistemas.anac.gov.br/certificacao/DA/DAE.asp.* For Embraer service information identified in this AD, contact Embraer S.A., Technical Publications Section (PC 060), Av. Brigadeiro Faria Lima, 2170—Putim—12227–901 São Jose dos Campos—SP—Brazil; telephone +55 12 3927–5852 or +55 12 3309–0732; fax +55 12 3927–7546; email *distrib@embraer.com.br;* internet *http://www.flyembraer.com.* For Embraer service information identified in this AD that is applicable to Yaborã Indústria Aeronáutica S.A. Model ERJ 190–100 ECJ airplanes, contact Embraer S.A., Technical Publications Section (PC 560), Rodovia Presidente Dutra, km 134, 12247–004 Distrito Eugênio de Melo—São José dos Campos—SP—Brazil; telephone +55 12 3927–0386; email *distrib@embraer.com.br;* internet *https://www.mytechcare.embraer.com.* You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. This material may be found in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0692.

(2) For more information about this AD, contact Krista Greer, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3221; email *krista.greer@faa.gov.*

Issued on August 18, 2021.

Gaetano A. Sciortino,

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

[FR Doc. 2021–18110 Filed 8–23–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0609; Project Identifier AD–2021–00274–T]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain The Boeing Company Model 737–300, –400, and –500 series airplanes. This proposed AD was prompted by an evaluation by the design approval holder (DAH) indicating that the frame splice between certain stringers is subject to widespread fatigue damage (WFD). This proposed AD would require an inspection of certain fuselage frame splices for existing repairs, repetitive inspections of certain fuselage frame splices for cracking, and applicable on-condition actions. 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 October 8, 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 Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; internet *https://www.myboeingfleet.com.* You may view this referenced service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0609.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0609; 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: Wayne Ha, Aerospace Engineer, Airframe Section, FAA, Los Angeles ACO Branch, 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5238; fax: 562–627–5210; email: *wayne.ha@faa.gov.*

SUPPLEMENTARY INFORMATION:

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–2021–0609; Project Identifier AD–2021–00274–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 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 Wayne Ha, Aerospace Engineer, Airframe Section, FAA, Los Angeles ACO Branch, 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5238; fax: 562–627–5210; email: *wayne.ha@faa.gov.* Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

Fatigue damage can occur locally, in small areas or structural design details, or globally, in widespread areas. Multiple-site damage is widespread damage that occurs in a large structural element such as a single rivet line of a lap splice joining two large skin panels. Widespread damage can also occur in multiple elements such as adjacent frames or stringers. Multiple-site damage and multiple-element damage cracks are typically too small initially to be reliably detected with normal inspection methods. Without intervention, these cracks will grow, and eventually compromise the structural integrity of the airplane. This condition is known as WFD. It is associated with general degradation of large areas of structure with similar structural details and stress levels. As an airplane ages, WFD will likely occur, and will certainly occur if the airplane is operated long enough without any intervention.

An FAA final rule (''Aging Airplane Program: Widespread Fatigue Damage;'' 75 FR 69746, November 15, 2010) became effective on January 14, 2011, and amended 14 CFR parts 25, 26, 121, and 129 (commonly known as the WFD rule). The WFD rule requires certain actions to prevent structural failure due to WFD throughout the operational life of certain existing transport category airplanes and all of these airplanes that will be certificated in the future. DAHs of existing and future airplanes subject to the WFD rule are required to establish a limit of validity (LOV) of the engineering data that support the structural maintenance program. Operators affected by the WFD rule may not fly an airplane beyond its LOV, unless an extended LOV is approved.

The WFD rule does not require identifying and developing maintenance actions if the DAHs can show that such actions are not necessary to prevent WFD before the airplane reaches the LOV. Many LOVs, however, do depend on accomplishment of future maintenance actions. As stated in the WFD rule, any maintenance actions necessary to reach the LOV will be mandated by airworthiness directives through separate rulemaking actions.

In the context of WFD, this action is necessary to enable DAHs to propose LOVs that allow operators the longest operational lives for their airplanes, and still ensure that WFD will not occur. This approach allows for an implementation strategy that provides flexibility to DAHs in determining the timing of service information development (with FAA approval),

while providing operators with certainty regarding the LOV applicable to their airplanes.

The FAA has received a report indicating that cracking is occurring in the frame splice doubler and may occur in the upper frame at the upper frame splice between stringer S–13 and S–14 on Boeing Model 737–300, –400, and –500 airplanes at multiple frame locations. The doubler cracking and possible upper frame cracking at the frame splice between stringer S–13 and S–14 are the result of fatigue, caused by combined cyclic loading from fuselage pressurization and flight loads. The FAA is issuing this AD to address upper frame cracking common to the frame splice between stringer S–13 and S–14, which could interact with stringer S–14 skin lap splice lower fastener row cracking in lower skin, and result in an uncontrolled decompression of the airplane and loss of structural integrity.

FAA's Determination

The FAA is issuing this NPRM after determining that the unsafe condition described previously is likely to exist or develop on other products of the same type design.

Related Service Information Under 1 CFR Part 51

The FAA reviewed Boeing Alert Requirements Bulletin 737–53A1388 RB, dated October 27, 2020. This service information specifies procedures for a general visual inspection (GVI) of the fuselage frame splices between stringer S–13 and S–14 station (STA) 360 to STA 520 and STA 727A to STA 907 for existing repairs, repetitive inspections of the fuselage frame splices between stringer S–13 and S–14 from STA 360 to STA 520 and STA 727A to STA 907 for cracking, and applicable on-condition actions. On-condition actions include an open hole high frequency eddy current (HFEC) inspection for cracking at all fastener hole locations where a fastener was removed due to finding a cracked doubler, repair, or replacement.

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

Proposed AD Requirements in This NPRM

This proposed AD would require accomplishing the actions specified in the service information already described except for any differences identified as exceptions in the regulatory text of this proposed AD. For information on the procedures and compliance times, see this service information at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0609.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 66 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
Repetitive Inspections	Up to 267 work-hours × $85 per hour = Up to $22,695 inspection cycle.	$0	Up to $22,695 per inspection cycle.	Up to $1,497,870 per inspection cycle.
GVI	2 work-hours × $85 per hour = $170	0	$170	$11,220.

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

Authority for This Rulemaking

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

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

Regulatory Findings

The FAA determined that this 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:

The Boeing Company: Docket No. FAA–2021–0609; Project Identifier AD–2021–00274–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by October 8, 2021.

(b) Affected ADs

None.

(c) Applicability

This AD applies to The Boeing Company Model 737–300, –400, and –500 series

airplanes, certificated in any category, as identified in Boeing Alert Requirements Bulletin 737–53A1388 RB, dated October 27, 2020.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by an evaluation by the design approval holder (DAH) indicating that the frame splice between stringer S–13 and S–14 is subject to widespread fatigue damage (WFD). The FAA is issuing this AD to address upper frame cracking common to the frame splice between stringer S–13 and S–14, which could interact with stringer S–14 skin lap splice lower fastener row cracking in lower skin and result in an uncontrolled decompression of the airplane and loss of structural integrity.

(f) Compliance

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

(g) Required Actions

Except as specified by paragraph (h) of this AD: At the applicable times specified in the ''Compliance'' paragraph of Boeing Alert Requirements Bulletin 737–53A1388 RB, dated October 27, 2020, do all applicable actions identified in, and in accordance with, the Accomplishment Instructions of Boeing Alert Requirements Bulletin 737–53A1388 RB, dated October 27, 2020.

Note 1 to paragraph (g): Guidance for accomplishing the actions required by this AD can be found in Boeing Alert Service Bulletin 737–53A1388, dated October 27, 2020, which is referred to in Boeing Alert Requirements Bulletin 737–53A1388 RB, dated October 27, 2020.

(h) Exceptions to Service Information Specifications

(1) Where Boeing Alert Requirements Bulletin 737–53A1388 RB, dated October 27, 2020, uses the phrase ''the Original Issue date of Requirements Bulletin 737–53A1388 RB,'' this AD requires using ''the effective date of this AD,'' except where Alert Requirements Bulletin 737–53A1388 RB, dated October 27, 2020, uses the phrase ''the Original Issue date of Requirements Bulletin 737–53A1388 RB,'' in a note or flag note.

(2) Where Boeing Alert Requirements Bulletin 737–53A1388 RB, dated October 27, 2020, specifies contacting Boeing for repair instructions or for alternative inspections: This AD requires doing the repair, or doing the alternative inspections and applicable on-condition actions using a method approved in accordance with the procedures specified in paragraph (i) of this AD.

(i) Alternative Methods of Compliance (AMOCs)

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

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

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

(j) Related Information

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

(2) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; internet *https://www.myboeingfleet.com.* You may view this referenced service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

Issued on July 26, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–18069 Filed 8–23–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0694; Project Identifier MCAI–2021–00305–T]

RIN 2120–AA64

Airworthiness Directives; De Havilland Aircraft of Canada Limited (Type Certificate Previously Held by Bombardier, Inc.) Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for De Havilland Aircraft of Canada Limited Model DHC–8–401 and –402 airplanes. This proposed AD was prompted by reports of a possible hard contact between the #2 top high level sensor (HLS) terminal screw head and the #6 outer wing fuel access panel stiffener flange. This proposed AD would require removing and replacing or reworking the #6 outer wing fuel access panel assembly. 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 October 8, 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 De Havilland Aircraft of Canada Limited, Q-Series Technical Help Desk, 123 Garratt Boulevard, Toronto, Ontario M3K 1Y5, Canada; telephone 416–375–4000; fax 416–375–4539; email *thd@dehavilland.com*; internet *https://dehavilland.com.* You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0694; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, any comments received, and other information. The street address for Docket Operations is listed above.

FOR FURTHER INFORMATION CONTACT: Thomas Niczky, Aerospace Engineer, Avionics and Electrical Systems Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7347; fax 516–794–5531; email *9-avs-nyaco-cos@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2021–0694; Project Identifier MCAI–2021–00305–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 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 Thomas Niczky, Aerospace Engineer, Avionics and Electrical Systems Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7347; fax 516–794–5531; email *9-avs-nyaco-cos@faa.gov.* Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued TCCA AD CF–2021–08, dated March 9, 2021 (TCCA AD CF–2021–08) (also referred to after this as the Mandatory Continuing Airworthiness Information, or the MCAI), to correct an unsafe condition for De Havilland Aircraft of Canada Limited Model DHC–8–401 and –402 airplanes, serial numbers 4001 and 4003 through 4628 inclusive. You may examine the MCAI in the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0694.

This proposed AD was prompted by the discovery that as a result of build tolerances, a hard contact could occur between the #2 top HLS terminal screw head and the #6 outer wing fuel access panel stiffener flange. The FAA is proposing this AD to address the possibility of electrical arcing during a lightning strike, which could be a source of ignition inside the fuel tank. See the MCAI for additional background information.

Related Service Information Under 1 CFR Part 51

De Havilland Aircraft of Canada Limited has issued Service Bulletin 84–57–35, Revision A, dated February 11, 2021. This service information describes procedures for replacing or reworking the #6 outer wing fuel access panel assembly. The rework involves an eddy current or fluorescent liquid penetrant inspection of the rework area for crack indications. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination

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

Proposed AD Requirements in This NPRM

This proposed AD would require accomplishing the actions specified in the service information already described.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 54 airplanes of U.S. registry. For either replacement or repair of the #6 outer wing fuel access panel, depending on the option selected by the operator to comply with this proposed AD, the FAA estimates the following costs:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product
Replacement	Up to 10 work-hours × $85 per hour = Up to $850	Up to $16,430	Up to $17,280.
Repair	13 work-hours × $85 per hour = $1,105	$49	$1,154.

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

De Havilland Aircraft of Canada Limited (Type Certificate Previously Held by Bombardier, Inc.): Docket No. FAA–2021–0694; Project Identifier MCAI–2021–00305–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by October 8, 2021.

(b) Affected ADs

None.

(c) Applicability

This AD applies to De Havilland Aircraft of Canada Limited Model DHC–8–401 and –402 airplanes, certificated in any category, serial numbers 4001 and 4003 through 4628 inclusive.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by reports of a possible hard contact between the #2 top high level sensor (HLS) terminal screw head and the #6 outer wing fuel access panel stiffener flange. The FAA is issuing this AD to address the possibility of electrical arcing during a lightning strike, which could be a source of ignition inside the fuel tank.

(f) Compliance

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

(g) Required Actions

Within 8,000 flight hours after the effective date of this AD: Do the actions specified in paragraph (g)(1) or (2) of this AD.

(1) Replace the #6 outer wing fuel access panel assembly in accordance with Section 3.B., Part A, of the Accomplishment Instructions of De Havilland Aircraft of Canada Limited Service Bulletin 84–57–35, Revision A, dated February 11, 2021.

(2) Rework the #6 outer wing fuel access panel assembly, including an eddy current or fluorescent liquid penetrant inspection for crack indications of the rework area, in accordance with Section 3.B., Part B, of the Accomplishment Instructions of De Havilland Aircraft of Canada Limited Service Bulletin 84–57–35, Revision A, dated February 11, 2021. If any crack indication is found, before further flight, repair using a method approved in accordance with the procedures specified in paragraph (j)(2) of this AD.

(h) Parts Installation Prohibition

As of the effective date of this AD, no person may install a #6 outer wing fuel access panel assembly, part numbers (P/Ns) 85714233–003/–004 and 85714233–005/–006, on any airplane.

(i) Credit for Previous Actions

This paragraph provides credit for actions required by paragraph (g) of this AD, if those actions were performed before the effective date of this AD using De Havilland Aircraft of Canada Limited Service Bulletin 84–57–35, dated October 1, 2020.

(j) Other FAA AD Provisions

The following provisions also apply to this AD:

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

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

(k) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) TCCA AD CF–2021–08, dated March 9, 2021, for related information. This MCAI may be found in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0694.

(2) For more information about this AD, contact Thomas Niczky, Aerospace Engineer, Avionics and Electrical Systems Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7347; fax 516–794–5531; email *9-avs-nyaco-cos@faa.gov.*

(3) For service information identified in this AD, contact De Havilland Aircraft of Canada Limited, Q-Series Technical Help Desk, 123 Garratt Boulevard, Toronto, Ontario M3K 1Y5, Canada; telephone 416–375–4000; fax 416–375–4539; email *thd@dehavilland.com;* internet *https://dehavilland.com.* You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

Issued on August 18, 2021.

Gaetano A. Sciortino,

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

[FR Doc. 2021–18111 Filed 8–23–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0665; Project Identifier AD–2021–00270–T]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to supersede Airworthiness Directive (AD) 2017–23–02, which applies to certain The Boeing Company Model 737–200, –200C, –300, –400, and –500 series airplanes. AD 2017–23–02 requires

repetitive inspections, replacement, and applicable on-condition actions for certain fuselage crown skin panels. Since the FAA issued AD 2017–23–02, certain airplane configurations and inspection locations have been revised and additional airplanes have been determined to be subject to the unsafe condition. This proposed AD would retain the actions in AD 2017–23–02, revise certain airplane configurations and inspection locations, and add airplanes to the applicability. 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 October 8, 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 Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; internet *https://www.myboeingfleet.com.* You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0665.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0665; 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: James Guo, Aerospace Engineer, Airframe Section, FAA, Los Angeles ACO Branch, 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5357; fax: 562–627–5210; email: *james.guo@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–2021–0665; Project Identifier AD–2021–00270–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 James Guo, Aerospace Engineer, Airframe Section, FAA, Los Angeles ACO Branch, 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5357; fax: 562–627–5210; email: *james.guo@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

Fatigue damage can occur locally, in small areas or structural design details, or globally, in widespread areas. Multiple-site damage is widespread damage that occurs in a large structural element such as a single rivet line of a lap splice joining two large skin panels. Widespread damage can also occur in multiple elements such as adjacent frames or stringers. Multiple-site damage and multiple-element damage cracks are typically too small initially to be reliably detected with normal inspection methods. Without intervention, these cracks will grow, and eventually compromise the structural integrity of the airplane. This condition is known as widespread fatigue damage (WFD). It is associated with general degradation of large areas of structure with similar structural details and stress levels. As an airplane ages, WFD will likely occur, and will certainly occur if the airplane is operated long enough without any intervention.

An FAA final rule (''Aging Airplane Program: Widespread Fatigue Damage;'' 75 FR 69746, November 15, 2010) became effective on January 14, 2011, and amended 14 CFR parts 25, 26, 121, and 129 (commonly known as the WFD rule). The WFD rule requires certain actions to prevent structural failure due to WFD throughout the operational life of certain existing transport category airplanes and all of these airplanes that will be certificated in the future. Design approval holders (DAHs) of existing and future airplanes subject to the WFD rule are required to establish a limit of validity (LOV) of the engineering data that support the structural maintenance program. Operators affected by the WFD rule may not fly an airplane beyond its LOV, unless an extended LOV is approved.

The WFD rule does not require identifying and developing maintenance actions if the DAHs can show that such actions are not necessary to prevent WFD before the airplane reaches the LOV. Many LOVs, however, do depend on accomplishment of future maintenance actions. As stated in the WFD rule, any maintenance actions necessary to reach the LOV will be mandated by airworthiness directives through separate rulemaking actions.

In the context of WFD, this action is necessary to enable DAHs to propose LOVs that allow operators the longest operational lives for their airplanes, and still ensure that WFD will not occur. This approach allows for an implementation strategy that provides flexibility to DAHs in determining the timing of service information development (with FAA approval), while providing operators with certainty

regarding the LOV applicable to their airplanes.

The FAA issued AD 2017–23–02, Amendment 39–19096 (82 FR 52835, November 15, 2017) (AD 2017–23–02), for certain The Boeing Company Model 737–200, –200C, –300, –400, and –500 series airplanes. AD 2017–23–02 was prompted by an evaluation by the DAH indicating that the fuselage crown skin panels are subject to WFD. AD 2017–23–02 requires repetitive inspections, replacement, and applicable on-condition actions for certain fuselage crown skin panels. The agency issued AD 2017–23–02 to address cracking in the fuselage crown skin panels. Multiple adjacent cracks in the fuselage crown skin could link up and lead to decompression or loss of structural integrity of the airplane.

Actions Since AD 2017–23–02 Was Issued

Since the FAA issued AD 2017–23–02, errors were found in Boeing Alert Service Bulletin 737–53A1358, dated April 27, 2017, which is referenced in AD 2017–23–02. These errors include airplanes that are incorrectly identified as being in certain groups, and inspection figures that show incorrect chem-mill locations. Additional airplanes were also identified as being subject to the unsafe condition. These errors affect operators' ability to comply with AD 2017–23–02, and the FAA determined that a supersedure was needed to require corrected service information.

FAA's Determination

The FAA is issuing this NPRM after determining that the unsafe condition described previously is likely to exist or develop on other products of the same type design.

Related Service Information Under 1 CFR Part 51

The FAA reviewed Boeing Alert Service Bulletin 737–53A1358, Revision 1, dated February 26, 2021. This service information specifies procedures for repetitive non-destructive inspections for cracking, replacement of certain fuselage crown skin panels, and applicable on-condition actions. On-condition actions include a general visual inspection of certain repairs for any loose or missing fasteners, a low frequency eddy current (LFEC) inspection of certain repairs for cracking, and repair. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Proposed AD Requirements in This NPRM

Although this proposed AD does not explicitly restate the requirements of AD 2017–23–02, this AD would retain all of the requirements of AD 2017–23–02. Those requirements are referenced in the service information identified previously, which, in turn, is referenced in paragraph (h) of this proposed AD. This proposed AD would revise certain airplane configurations and inspection locations, and add airplanes to the applicability. This proposed AD would also require accomplishment of the actions identified as ''RC'' (required for compliance) in the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1358, Revision 1, dated February 26, 2021, described previously, except for any differences identified as exceptions in the regulatory text of this proposed AD.

For information on the procedures and compliance times, see this service information at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0665.

Explanation of Proposed Compliance Time

The compliance time for the replacement specified in this proposed AD for addressing WFD was established to ensure that discrepant structure is replaced before WFD develops in airplanes. Standard inspection techniques cannot be relied on to detect WFD before it becomes a hazard to flight. The FAA will not grant any extensions of the compliance time to complete any AD-mandated service bulletin related to WFD without extensive new data that would substantiate and clearly warrant such an extension.

Explanation of Proposed Applicability

Model 737 airplanes having line numbers 1 through 291 have an LOV of 34,000 total flight cycles, and the actions proposed in this NPRM, as specified in Boeing Alert Service Bulletin 737–53A1358, Revision 1, dated February 26, 2021, would be required at a compliance time occurring after that LOV. Although operation of an airplane beyond its LOV is prohibited by 14 CFR 121.1115 and 129.115, this NPRM would include those airplanes in the applicability so that these airplanes are tracked in the event the LOV is extended in the future.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 143 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
Inspection	Up to 507 work-hours × $85 per hour = Up to $43,095 per inspection cycle.	$0	Up to $43,095 per inspection cycle.	Up to $6,162,585 per inspection cycle.
Replacement	304 work-hours × $85 per hour = $25,840 per skin panel.	95,000	$120,840 per skin panel.	$17,280,120 per skin panel.

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

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
LFEC inspection	1 work-hours × $85 per hour = $85	$0	$85

ON-CONDITION COSTS—Continued

Action	Labor cost	Parts cost	Cost per product
General visual inspection	1 work-hour × $85 per hour = $85	0	85

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

Authority for This Rulemaking

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

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

Regulatory Findings

The FAA 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) 2017–23–02, Amendment 39–19096 (82 FR 52835, November 15, 2017), and

■ b. Adding the following new AD:

The Boeing Company: Docket No. FAA–2021–0665; Project Identifier AD–2021–00270–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) action by October 8, 2021.

(b) Affected ADs

This AD replaces AD 2017–23–02, Amendment 39–19096 (82 FR 52835, November 15, 2017) (AD 2017–23–02).

(c) Applicability

This AD applies to The Boeing Company Model 737–100, –200, –200C, –300, –400, and –500 series airplanes, certificated in any category, as identified in Boeing Alert Service Bulletin 737–53A1358, Revision 1, dated February 26, 2021.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by an evaluation by the design approval holder indicating that the fuselage crown skin panels are subject to widespread fatigue damage. This AD was also prompted by a determination that certain airplane configurations and inspection locations need to be revised, and that additional airplanes are subject to the unsafe condition. The FAA is issuing this AD to address cracking in the fuselage crown skin panels. Multiple adjacent cracks in the fuselage crown skin could link up and lead to decompression or loss of structural integrity of the airplane.

(f) Compliance

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

(g) Actions for Group 43 Airplanes

For airplanes identified as Group 43 in Boeing Alert Service Bulletin 737–53A1358, Revision 1, dated February 26, 2021, within 120 days after the effective date of this AD, inspect the airplane and do all applicable on-condition actions using a method approved in accordance with the procedures specified in paragraph (j) of this AD

(h) Required Actions for Groups 1 Through 42 Airplanes

For airplanes identified as Groups 1 through 42 in Boeing Alert Service Bulletin 737–53A1358, Revision 1, dated February 26, 2021, except as specified by paragraph (i) of this AD: At the applicable times specified in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 737–53A1358, Revision 1, dated February 26, 2021, do all applicable actions identified as ''RC'' (required for compliance) in, and in accordance with, the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1358, Revision 1, dated February 26, 2021. Actions identified as terminating action in Boeing Alert Service Bulletin 737–53A1358, Revision 1, dated February 26, 2021, terminate the applicable required actions of this AD, provided the terminating action is done in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1358, Revision 1, dated February 26, 2021.

(i) Exceptions to Service Information Specifications

(1) Where Boeing Alert Service Bulletin 737–53A1358, Revision 1, dated February 26, 2021, uses the phrase ''the original issue date of this service bulletin,'' this AD requires using ''December 20, 2017'' (the effective date of AD 2017–23–02).

(2) Where Boeing Alert Service Bulletin 737–53A1358, Revision 1, dated February 26, 2021, specifies contacting Boeing for repair instructions or for work instructions, this AD requires doing the repair, or doing the work instructions and applicable on-condition actions using a method approved in accordance with the procedures specified in paragraph (j) of this AD.

(3) Part 7 of Boeing Alert Service Bulletin 737–53A1358, Revision 1, dated February 26, 2021, specifies post-modification airworthiness limitation inspections in compliance with 14 CFR 25.571(a)(3) at the modified locations to support compliance with 14 CFR 121.1109(c)(2) or 129.109(b)(2). Although Part 7 is identified as RC, this AD does not require accomplishment of Part 7. As airworthiness limitations, these inspections are required by maintenance and operational rules. It is, therefore, unnecessary to mandate them in this AD. Deviations from these inspections require FAA approval, but do not require an alternative method of compliance.

(j) Alternative Methods of Compliance (AMOCs)

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

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

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

(4) AMOCs approved for AD 2017–23–02 are approved as AMOCs for the corresponding provisions of Boeing Alert Service Bulletin 737–53A1358, Revision 1, dated February 26, 2021, that are required by paragraph (h) of this AD.

(5) Except as specified by paragraph (i)(2) of this AD: For service information that contains steps that are labeled as Required for Compliance (RC), the provisions of paragraphs (j)(5)(i) and (ii) of this AD apply.

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

(ii) Steps not labeled as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the RC steps, including substeps and identified figures, can still be done as specified, and the airplane can be put back in an airworthy condition.

(k) Related Information

(1) For more information about this AD, contact James Guo, Aerospace Engineer, Airframe Section, FAA, Los Angeles ACO Branch, 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5357; fax: 562–627–5210; email: *james.guo@faa.gov.*

(2) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; internet *https://www.myboeingfleet.com.* You may view this referenced service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

Issued on August 7, 2021.

Gaetano A. Sciortino,

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

[FR Doc. 2021–18068 Filed 8–23–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0699; Project Identifier AD–2020–01685–E]

RIN 2120–AA64

Airworthiness Directives; General Electric Company Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain General Electric Company (GE) CF34–10E model turbofan engines. This proposed AD was prompted by a manufacturer investigation that revealed Teflon material in the A-sump oil strainer (strainer assembly) screen after several reports of in-flight shutdowns (IFSDs) and unscheduled engine removals (UERs). This proposed AD would require initial and repetitive visual inspections of the strainer assembly screen. As a terminating action to the initial and repetitive visual inspections, this proposed AD would require the replacement of the stationary oil seal at the No. 1 forward bearing. 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 October 8, 2021.

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

- *Federal eRulemaking Portal:* Go to *https://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* (202) 493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this NPRM, contact General Electric Company, GE Aviation, Room 285, 1 Neumann Way, Cincinnati, OH 45215; phone: (513) 552–3272; email: *aviation.fleetsupport@ae.ge.com;* website: *www.ge.com.* You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call (781) 238–7759.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0699; 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: Scott Stevenson, Aviation Safety Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: (781) 238–7132; fax: (781) 238–7199; email: *Scott.M.Stevenson@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–2021–0699; Project Identifier AD–2020–01685–E'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act

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

Background

The FAA received reports of several IFSDs and UERs on airplanes operating with GE CF34–10E5, CF34–10E5A1, CF34–10E6, and CF34–10E7 model turbofan engines. After investigation, the manufacturer determined that the failures were the result of Teflon oil seals disbonding from the aluminum housing when used with either high thermal stability (HTS) or high performance capability (HPC) oils. The stationary oil seal deterioration resulted from the failure of the bonding adhesive, known as EA9658, which does not have the high temperature capabilities as designed and is negatively impacted by the use of HTS or HPC oils. This deterioration results in Teflon particles collecting in the strainer assembly. The manufacturer determined that CF34–10E2A1, CF34–10E6A1, and CF34–10E7–B model turbofan engines are also subject to this unsafe condition. This condition, if not addressed, could result in failure of the engine, in-flight shutdown, and loss of control of the airplane.

FAA's Determination

The FAA is issuing this NPRM after determining that the unsafe condition described previously is likely to exist or develop on other products of the same type design.

Related Service Information Under 1 CFR Part 51

The FAA reviewed GE CF34–10E Service Bulletin 72–0365 R04, dated April 27, 2021. This service information specifies procedures for performing a visual inspection and a borescope inspection of the strainer assembly for Teflon particles. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in **ADDRESSES**.

Proposed AD Requirements in This NPRM

This proposed AD would require initial and repetitive visual inspections of the strainer assembly screen. As a terminating action to the repetitive visual inspections, this proposed AD would require the replacement of the stationary oil seal at the No. 1 forward bearing.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 46 engines installed on airplanes of U.S. registry.

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspect the strainer assembly screen.	1 work-hour × $85 per hour = $85	$0	$85	$3,910
Replace the stationary oil seal	2 work-hours × $85 per hour = $170	8,628	8,798	404,708

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

General Electric Company: Docket No. FAA–2021–0699; Project Identifier AD–2020–01685–E.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by October 8, 2021.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all General Electric Company (GE) CF34–10E2A1, CF34–10E5, CF34–10E5A1, CF34–10E6, CF34–10E6A1, CF34–10E7, and CF34–10E7–B model turbofan engines with a stationary oil seal, part number (P/N) B1316–00453 or P/N B1316–01274, installed at the No.1 forward bearing, that has used high thermal stability (HTS) oil or high performance capability (HPC) oil for 56 or more flight hours (FHs) during the life of the stationary oil seal.

(d) Subject

Joint Aircraft System Component (JASC) Code 7261, Turbine Engine Oil System.

(e) Unsafe Condition

This AD was prompted by investigation by the manufacturer that revealed Teflon material in the A-sump oil strainer (strainer assembly) screen after several reports of in-flight shutdowns and unscheduled engine removals. The FAA is issuing this AD to prevent failure of the stationary oil seal at the No.1 forward bearing. The unsafe condition, if not addressed, could result in failure of the engine, in-flight shutdown, and loss of control of the airplane.

(f) Compliance

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

(g) Required Actions

(1) Within the compliance time specified in paragraph (g)(1)(i) or (ii) of this AD, as applicable, perform an initial visual inspection of the strainer assembly screen for Teflon material. Guidance on performing the visual inspections of the strainer assembly screen can be found in the Accomplishment Instructions, paragraphs 3.A.(1)(d), of GE CF34–10E Service Bulletin (SB) 72–0365 R04, dated April 27, 2021.

(i) For an affected stationary oil seal having fewer than 2,250 flight hours (FHs) since new on the effective date of this AD, perform the initial inspection of the strainer assembly screen at the next engine shop visit after accumulating 2,250 FHs since new, but no later than 2,350 FHs since new.

(ii) For an affected stationary oil seal having 2,250 or more FHs since new on the effective date of this AD, perform the initial inspection of the strainer assembly screen within 100 FHs after the effective date of this AD.

(2) Thereafter, within the following compliance times, repeat the visual inspection of the strainer assembly screen required by paragraph (g)(1) of this AD:

(i) For an affected stationary oil seal having 2,250 to 7,000 FHs since new at the time of the last inspection, repeat the visual inspection every 750 FHs.

(ii) For an affected stationary oil seal having 7,001 to 10,000 FHs since new at the time of the last inspection, repeat the visual inspection every 375 FHs.

(iii) For an affected stationary oil seal having more than 10,000 FHs since new at the time of the last inspection, repeat the visual inspection every 100 FHs.

(3) If, based on the inspections required by paragraph (g)(1) or (2) of this AD, Teflon material is found in the strainer assembly screen, before further flight, remove the stationary oil seal at the No. 1 forward bearing from service and replace it with a part eligible for installation.

(4) Before an affected stationary oil seal accumulates 10,000 FHs since new or within 500 FHs after the effective date of this AD, whichever occurs later, remove the stationary oil seal at the No. 1 forward bearing from service and replace it with a part eligible for installation.

(h) Terminating Action

Removal of the stationary oil seal, P/N B1316–00453 or P/N B1316–01274, installed at the No. 1 forward bearing, and replacement with a part eligible for installation, constitutes terminating action for the initial and repetitive inspections required by paragraphs (g)(1) and (2) of this AD.

(i) Definition

For the purpose of this AD, a ''part eligible for installation'' is a stationary oil seal that has a P/N other than P/N B1316–00453 or P/N B1316–01274.

(j) Special Flight Permit

Special flight permits, as described in 14 CFR 21.197 and 21.199, are subject to the requirements of paragraph (j)(1) of this AD.

(1) Operators who are prohibited from further flight due to Teflon material found in the strainer assembly screen may perform a non-revenue ferry flight, consisting of no more than five cycles, to a location where the engine can be removed from service if operators perform the actions in Appendix—A, paragraph 4.A., GE CF34–10E Service Bulletin (SB) 72–0365 R04, dated April 27, 2021 and the engine still meets the criteria in paragraph 4.A. for flying an additional five cycles. This ferry flight must be performed with only essential flight crew, without passengers, and involve non-ETOPS operations.

(2) [Reserved]

(k) Alternative Methods of Compliance (AMOCs)

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

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

(l) Related Information

(1) For more information about this AD, contact Scott Stevenson, Aviation Safety Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: (781) 238–7132; fax: (781) 238–7199; email: *Scott.M.Stevenson@faa.gov.*

(2) For service information identified in this AD, contact General Electric Company, GE Aviation, Room 285, 1 Neumann Way, Cincinnati, OH 45215; phone: (513) 552–3272; email: *aviation.fleetsupport@ae.ge.com;* website: *www.ge.com.* You may view this referenced service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call (781) 238–7759.

Issued on August 18, 2021.

Ross Landes,

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

[FR Doc. 2021–18148 Filed 8–23–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 139

[Docket No.: FAA–2010–0997; Notice No. 16–04]

RIN 2120–AJ38

Safety Management System for Certificated Airports

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Supplemental notice of proposed rulemaking (SNPRM); reopening of comment period.

SUMMARY: This action reopens the comment period for the Safety Management System for Certificated Airports SNPRM published July 14, 2016. In the SNPRM, the FAA proposed to amend certain requirements included in the notice of proposed rulemaking published on October 7, 2010. Most notably, the FAA revised the proposed applicability of the rule so that a Safety Management System (SMS) is only required for a certificated airport classified as a small, medium, or large hub airport in the National Plan of Integrated Airport Systems; serving international air traffic; or having more than 100,000 total annual operations. The FAA also proposed changes that would extend the implementation period from 18 to 24 months; require submission of an implementation plan within 12 months instead of 6 months of the effective date of the final rule; modify the training requirements;

ensure consistency among various FAA SMS initiatives, and reduce the implementation burden.

DATES: The comment period for the SNPRM published on July 14, 2016 (81 FR 45872) closed on September 12, 2016, and is reopened until September 23, 2021.

ADDRESSES: You may send comments identified by docket number FAA–2010–0997 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov* and follow the online instructions for sending your comments electronically.
- *Mail:* Send comments to Docket Operations, M–30; U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE, Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* Fax comments to Docket Operations at (202) 493–2251.

Privacy: 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 you can review at *http://www.dot.gov/privacy.*

Docket: Background documents or comments received may be read at *http://www.regulations.gov* at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Brent Hart, ARM–200, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591, telephone (202) 267–9677;email *brent.hart@faa.gov*.

SUPPLEMENTARY INFORMATION: See the ''Additional Information'' section for information on how to comment on this proposal and how the FAA will handle comments received. The ''Additional Information'' section also contains related information about the docket, privacy, the handling of proprietary or confidential business information. In addition, there is information on obtaining copies of related rulemaking documents.

Background

On October 7, 2010, the FAA published in the **Federal Register** a notice of proposed rulemaking (NPRM) titled ''Safety Management System for Certificated Airports'' (75 FR 62008). The NPRM proposed to require all part 139 certificate holders to establish a Safety Management System (SMS) for the entire airfield environment, including movement and non-movement areas, to improve safety at airports hosting air carrier operations.

While reviewing the comments on the NPRM, the FAA reevaluated whether requiring an SMS at all part 139 certificated airports was appropriate. As part of the re-evaluation, the FAA assessed various combinations of criteria that could trigger the requirement to implement SMS and to maximize safety benefits in the least burdensome manner.

On July 14, 2016, the FAA published an SNPRM titled ''Safety Management System for Certificated Airports'' (81 FR 45872). The SNPRM revised the proposed triggers for implementing SMS and proposed the FAA's preferred alternative, which is to require SMS at airports that (a) are large, medium, or small hubs; (b) serve international air traffic; or (c) have more than 100,000 total annual operations. The FAA also revised the proposed implementation schedule to extend the implementation period from 18 months to 24 months and require the submission of an Implementation Plan within 12 months (instead of 6 months) from the effective date of the rule. The SNPRM clarified the training requirements and revised certain definitions to ensure consistency—when deemed appropriate—among various FAA SMS initiatives.

The SNPRM comment period closed on September 12, 2016. The FAA received 38 comments on the SNPRM. Although most commenters were certificate holders, some were air carriers, consultants, academia, and individuals. Additionally, the following industry associations submitted comments: Airlines for America, Airports Council International-North America, American Association of Airport Executives, Helicopter Association International, and the National Business Aviation Association. The comments primarily addressed the following areas of the proposal:

- Applicability;
- Implementation;
- Non-movement area;
- Data protection;
- Safety reporting and interoperability;
- Training and orientation;
- Accountable executive;
- Definitions; and
- Miscellaneous topics.

Reopening of Comment Period

As a result of the time that has passed since the close of the SNPRM comment period, the FAA has determined that it is appropriate to solicit comments on any new information or data that has come to light since the close of the comment period. Accordingly, the FAA is reopening the comment period for the SNPRM published at 81 FR 45872, for 30 days, until September 23, 2021 for the aforementioned limited purpose.

The most helpful comments provide only data and information that was not previously submitted to the rulemaking docket, reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, commenters should send only one copy of written comments, or if comments are filed electronically, commenters should submit only one time.

Additional Information

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 file in the docket all comments it receives, as well as a report summarizing each substantive public contact with FAA personnel concerning this proposed rulemaking. Before acting on this proposal, the FAA will consider all comments it receives on or before the closing date for comments. The FAA will consider comments filed after the comment period has closed if it is possible to do so without incurring expense or delay. The agency may change this proposal in light of the comments it receives.

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 SNPRM 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 SNPRM, 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 SNPRM. Submissions containing CBI should be sent to James Schroeder, Airports Safety & Operations Division, AAS–300, Office of Airports, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591–0001; email *James.Schroeder@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.

Availability of Rulemaking Documents

An electronic copy of rulemaking documents may be obtained from the internet by—

1. Searching the Federal eRulemaking Portal at *www.regulations.gov;*

2. Visiting the FAA's Regulations and Policies web page at *www.faa.gov/regulations_policies;* or

3. Accessing the Government Publishing Office's web page at *www.GovInfo.gov*.

Copies may also be obtained by sending a request to the Federal Aviation Administration, Office of Rulemaking, ARM–1, 800 Independence Avenue SW, Washington, DC 20591, or by calling (202) 267–9680. Commenters must identify the docket or notice number of this rulemaking.

All documents the FAA considered in developing this proposed rule, including economic analyses and technical reports, may be accessed from the internet through the Federal eRulemaking Portal referenced in item (1) above.

Issued under authority provided by 49 U.S.C. 106(f), 44701(a), and 44703 in Washington, DC, on August 13, 2021.

Timothy R. Adams,

Acting Executive Director, Office of Rulemaking.

[FR Doc. 2021–17847 Filed 8–23–21; 8:45 am]

BILLING CODE 4910–13–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2020–0341; FRL–8747–01–R9]

Air Plan Approval; California; South Coast Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve revisions to the South Coast Air Quality Management District (SCAQMD) portion of the California State Implementation Plan (SIP). These revisions concern emissions of volatile organic compounds (VOCs) from marine and pleasure craft coating operations. We are proposing to approve a local rule and a rule rescission to regulate these emission sources under the Clean Air Act (CAA or the Act). We are taking comments on this proposal and plan to follow with a final action.

DATES: Comments must be received on or before September 23, 2021.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R09–OAR–2020–0341 at *https://www.regulations.gov*. For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.* If you need assistance in a language other than English or if you are a person with disabilities who needs a reasonable accommodation at no cost to you, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Arnold Lazarus, EPA Region IX, 75 Hawthorne St., San Francisco, CA 94105. By phone: (415) 972–3024 or by email at *Lazarus.Arnold@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document, ''we,'' ''us'' and ''our'' refer to the EPA.

Table of Contents

I. The State's Submittal

A. What rules did the State submit?

Table 1 lists the rule revisions addressed by this proposal with the dates that they were adopted by the local air agency and submitted by the California Air Resources Board (CARB).

TABLE 1—SUBMITTED RULES

Local agency	Rule #	Rule title	Amended	Rescinded	Submitted
SCAQMD	1106	Marine and Pleasure Craft Coatings	5/3/2019		2/19/2020
SCAQMD	1106.1	Pleasure Craft Coating Operations		5/3/2019	2/19/2020

On August 19, 2020 the submittal for SCAQMD Rule 1106 and the rescission of Rule 1106.1 was deemed by operation of law to meet the completeness criteria in 40 CFR part 51 Appendix V, which must be met before formal EPA review.

B. Are there other versions of these rules?

We approved an earlier version of SCAQMD Rule 1106 into the SIP on July 14, 1995 [1] and we approved SCAQMD Rule 1106.1 into the SIP on August 31, 1999.[2] The SCAQMD adopted revisions to the SIP-approved versions of these rules on May 3, 2019 and CARB

[1] 60 FR 36227.

[2] 64 FR 47392.

submitted them to us on February 19, 2020.

C. What is the purpose of the submitted rule and rule rescission?

Emissions of VOCs contribute to the production of ground-level ozone, smog and particulate matter, which harm human health and the environment. Section 110(a) of the CAA requires states to submit regulations that control VOC emissions. Rule 1106 regulates VOC emissions from all marine and pleasure craft coating operations, including coatings for boats, ships and their appurtenances, buoys, and oil drilling rigs intended for the marine environment, and applies to any person who solicits the application of any Marine or Pleasure Craft Coating and any associated solvent used with a Marine or Pleasure Craft Coating within the South Coast AQMD Jurisdiction.

The rule was amended to include pleasure craft coating operations, lower the VOC content limit of a number of existing coatings, and add five coatings to the specialty coating list. Rule 1106.1, Pleasure Craft Coating Operations, has been locally rescinded; however, all of the coatings limits in Rule 1106.1 are now covered by Rule 1106. The EPA's technical support document (TSD) has more information about this rule and rule rescission.

II. The EPA's Evaluation and Action

A. How is the EPA evaluating the rule and rule rescission?

Rules in the SIP must be enforceable (see CAA section 110(a)(2)), must not interfere with applicable requirements concerning attainment and reasonable further progress or other CAA requirements (see CAA section 110(l)), and must not modify certain SIP control requirements in nonattainment areas without ensuring equivalent or greater emissions reductions (see CAA section 193).

Generally, SIP rules must require reasonably available control technology (RACT) for each category of sources covered by a Control Techniques Guidelines (CTG) document as well as each major source of VOC in ozone nonattainment areas classified as Moderate or above (see CAA section 182(b)(2)). The SCAQMD regulates an ozone nonattainment area classified as Extreme for the 1997, 2008, and 2015 8-Hour Ozone National Ambient Air Quality Standards (40 CFR 81.305). Rule 1106 is covered by ''Control Techniques Guidelines for Shipbuilding and Ship Repair Operations [3]'' and ''Control Techniques Guidelines for Miscellaneous Metal and Plastic Parts Coatings'' (EPA–453/R–08–003, September 2008). Therefore, this rule must implement RACT.

Guidance and policy documents that we used to evaluate enforceability, revision/relaxation, and rule stringency requirements for the applicable criteria pollutants include the following:

1. ''State Implementation Plans; General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990,'' 57 FR 13498 (April 16, 1992); 57 FR 18070 (April 28, 1992).
2. ''Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations,'' EPA, May 25, 1988 (the Bluebook, revised January 11, 1990).
3. ''Guidance Document for Correcting Common VOC & Other Rule Deficiencies,'' EPA Region 9, August 21, 2001 (the Little Bluebook).
4. ''Control Techniques Guidelines for Shipbuilding and Ship Repair Operations'' (61 FR 44050), August 27, 1996.
5. ''Alternative Control Techniques Document: Surface Coating Operations at Shipbuilding and Ship Repair Facilities'' (EPA 453/R–94–032, April 1994).
6. ''Control Techniques Guidelines for Miscellaneous Metal and Plastic Parts Coatings'' (EPA–453/R–08–003, September 2008).

B. Do the rule and rule rescission meet the evaluation criteria?

This submittal of the rule and rule rescission meets CAA requirements and is consistent with relevant guidance regarding enforceability, RACT, and SIP revisions. Specifically, the rule requirements sufficiently ensure that affected sources and regulators can consistently evaluate and determine compliance with Rule 1106. Additionally, our analysis finds that Rule 1106 represents RACT for Marine or Pleasure Craft Coatings because it has VOC content limits consistent with limits adopted in other districts and the applicable CTGs. We also found that the limits in Rule 1106 and the rescinded Rule 1106.1 are identical. Lastly, Rule 1106 will not interfere with any applicable requirements of the CAA. The TSD has more information on our evaluation.

C. The EPA's Recommendations To Further Improve the Rule

The EPA recommends amendments for consideration by the District the next time Rule 1106 is revised. Specifically, our TSD recommends removing the category ''Metallic Heat Resistant Coating''and moving the category Elastomeric Adhesive to Rule 1168—Adhesive and Sealant Applications. Our TSD has more information regarding these recommendations.

D. Public Comment and Proposed Action

As authorized in section 110(k)(3) of the Act, the EPA proposes to fully approve the submitted rule and rule rescission because they fulfill all relevant requirements. We will accept comments from the public on this proposal until September 23, 2021. If we take final action to approve the submitted rule, our final action will incorporate this rule and rule rescission into the federally enforceable SIP.

III. Incorporation by Reference

In this rule, the EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is proposing to incorporate by reference SCAQMD Rule 1106 and the rescission of SCAQMD Rule 1106.1 described in Table 1 of this preamble. The EPA has made, and will continue to make, these materials available through *https://www.regulations.gov* and at the EPA Region IX Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

IV. Statutory and Executive Order Reviews

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

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);

[3] 61 FR 44050 (August 27, 1996).

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

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

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Ozone, Particulate matter, Reporting and recordkeeping requirements, Volatile organic compounds.

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

Dated: August 12, 2021.

Deborah Jordan,

Acting Regional Administrator, Region IX.

[FR Doc. 2021–17957 Filed 8–23–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2021–0531; FRL–8843–01–R3]

Approval and Promulgation of Air Quality Plans; Pennsylvania; Reasonably Available Control Technology (RACT) Determinations for Case-by-Case Sources Under the 1997 and 2008 8-Hour Ozone National Ambient Air Quality Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve multiple state implementation plan (SIP) revisions submitted by the Commonwealth of Pennsylvania. These revisions were submitted by the Pennsylvania Department of Environmental Protection (PADEP) to establish and require reasonably available control technology (RACT) for twenty-three major sources of volatile organic compounds (VOC) and/or nitrogen oxides (NO_X) pursuant to the Commonwealth of Pennsylvania's conditionally approved RACT regulations. In this rulemaking action, EPA is proposing to approve source-specific RACT determinations (case-by-case or alternative NO_X emission limits) for sources at twenty-three major NO_X and VOC emitting facilities submitted by PADEP. These RACT evaluations were submitted to meet RACT requirements for the 1997 and 2008 8-hour ozone national ambient air quality standards (NAAQS). This action is being taken under the Clean Air Act (CAA).

DATES: Written comments must be received on or before September 23, 2021.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R03–OAR–2021–0531 at *https://www.regulations.gov,* or via email to *opila.marycate@epa.gov.* For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov.* For either manner of submission, EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be confidential business information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Ms. Emily Bertram, Permits Branch (3AD10), Air & Radiation Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. The telephone number is (215) 814–5273. Ms. Bertram can also be reached via electronic mail at *bertram.emily@epa.gov.*

SUPPLEMENTARY INFORMATION: On May 7, 2020, PADEP submitted a revision to its SIP to address source-specific NO_X and/or VOC RACT for sources at numerous major NO_X and VOC emitting facilities located in the Commonwealth, including the twenty-three facilities in this action. This SIP revision is intended to address the NO_X and/or VOC RACT requirements under sections 182 and 184 of the CAA for the 1997 and 2008 8-hour ozone NAAQS. Table 1 of this document lists the SIP submittal date and the facilities included in PADEP's submittal. Although submitted in one SIP revision by PADEP, EPA views each facility as a separable SIP revision and may take separate final action on one or more facilities.

For additional background information on Pennsylvania's ''presumptive'' RACT II SIP see 84 FR 20274 (May 9, 2019) and on Pennsylvania's source-specific (case-by-case or alternative NO_X emission limits) RACT determinations see the appropriate technical support document (TSD) which is available online at *https://www.regulations.gov,* Docket No. EPA–R03–OAR–2021–0531.

TABLE 1—PADEP SIP SUBMITTALS FOR MAJOR NO_X AND/OR VOC SOURCES IN PENNSYLVANIA SUBJECT TO SOURCE-SPECIFIC RACT UNDER THE 1997 AND 2008 8-HOUR OZONE STANDARD

SIP Submittal date	Major source (county)
5/7/2020	AK Steel Corp (formerly Armco, Inc. Butler Operations) (Butler). Allegheny and Tsingshan Stainless LLC, Midland Facility (formerly J & L Specialty Steel Inc., Midland Facility) (Beaver). Alumax Mill Products (Lancaster). American Craft Brewery LLC (Lehigh). American Refining Group Inc (McKean). American Zinc Recycling Corp (Horsehead Resource Development Company, Inc.) (Carbon). Appvion Operations, Inc. (Blair). ArcelorMittal Steelton LLC (formerly Bethlehem Steel Corporation) (Dauphin). Carpenter Technology Corporation, Reading Plt (Berks). Chestnut Ridge Foam Inc (formerly Chestnut Ridge Foam, Inc., Latrobe) (Westmoreland). East Penn Manufacturing Company, Inc., Battery Assembly (Berks). General Carbide Corporation (Westmoreland). Lord Corp Saegertown (Crawford). NLMK Pennsylvania LLC, Farrell Plt (formerly Caparo Steel Co.—Farrell) (Mercer). Omnova Solutions Inc.—Auburn Plant (formerly Gencorp, Inc.) (Schuylkill). Pixelle Specialty Solutions LLC—Spring Grove Mill (York). Sonneborn LLC (formerly Crompton Corporation, Fairview Township; Witco Corp, Petrolia Facility) (Butler). Specialty Tires of America, Indiana Plant (formerly Specialty Tires of America, Inc.) (Indiana). Standard Steel LLC (formerly Standard Steel Division of Freedom Forge Corp.) (Mifflin). Tennessee Gas Pipeline Co., Mercer Station 219 (Mercer). Truck Accessories Group Milton Plant (formerly Truck Accessories Group East) (Northumberland). United Refining Co (Warren). Wheatland Tube Company (Mercer).

I. Background

A. 1997 and 2008 8-Hour Ozone NAAQS

Ground level ozone is not emitted directly into the air but is created by chemical reactions between NO_X and VOC in the presence of sunlight. Emissions from industrial facilities, electric utilities, motor vehicle exhaust, gasoline vapors, and chemical solvents are some of the major sources of NO_X and VOC. Breathing ozone can trigger a variety of health problems, particularly for children, the elderly, and people of all ages who have lung diseases such as asthma. Ground level ozone can also have harmful effects on sensitive vegetation and ecosystems.

On July 18, 1997, EPA promulgated a standard for ground level ozone based on 8-hour average concentrations. 62 FR 38856. The 8-hour averaging period replaced the previous 1-hour averaging period, and the level of the NAAQS was changed from 0.12 parts per million (ppm) to 0.08 ppm. EPA has designated two moderate nonattainment areas in Pennsylvania under the 1997 8-hour ozone NAAQS, namely Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE (the Philadelphia Area) and Pittsburgh-Beaver Valley (the Pittsburgh Area). See 40 CFR 81.339.

On March 12, 2008, EPA strengthened the 8-hour ozone standards, by revising its level to 0.075 ppm averaged over an 8-hour period (2008 8-hour ozone NAAQS). On May 21, 2012, EPA designated five marginal nonattainment areas in Pennsylvania for the 2008 8-hour ozone NAAQS: Allentown-Bethlehem-Easton, Lancaster, Reading, the Philadelphia Area, and the Pittsburgh Area. 77 FR 30088; see also 40 CFR 81.339.

On March 6, 2015, EPA announced its revocation of the 1997 8-hour ozone NAAQS for all purposes and for all areas in the country, effective on April 6, 2015. 80 FR 12264. EPA has determined that certain nonattainment planning requirements continue to be in effect under the revoked standard for nonattainment areas under the 1997 8-hour ozone NAAQS, including RACT.

B. RACT Requirements for Ozone

The CAA regulates emissions of NO_X and VOC to prevent photochemical reactions that result in ozone formation. RACT is an important strategy for reducing NO_X and VOC emissions from major stationary sources within areas not meeting the ozone NAAQS.

Areas designated nonattainment for the ozone NAAQS are subject to the general nonattainment planning requirements of CAA section 172. Section 172(c)(1) of the CAA provides that SIPs for nonattainment areas must include reasonably available control measures (RACM) for demonstrating attainment of all NAAQS, including emissions reductions from existing sources through the adoption of RACT. Further, section 182(b)(2) of the CAA sets forth additional RACT requirements for ozone nonattainment areas classified as moderate or higher.

Section 182(b)(2) of the CAA sets forth requirements regarding RACT for the ozone NAAQS for VOC sources. Section 182(f) subjects major stationary sources of NO_X to the same RACT requirements applicable to major stationary sources of VOC.[1]

Section 184(b)(1)(B) of the CAA applies the RACT requirements in section 182(b)(2) to nonattainment areas classified as marginal and to attainment areas located within ozone transport regions established pursuant to section 184 of the CAA. Section 184(a) of the CAA established by law the current Ozone Transport Region (OTR) comprised of 12 eastern states, including Pennsylvania. This requirement is referred to as OTR RACT. As noted previously, a ''major source'' is defined based on the source's potential to emit (PTE) of NO_X, VOC, or both pollutants, and the applicable thresholds differ based on the classification of the nonattainment area in which the source is located. See sections 182(c)–(f) and 302 of the CAA.

Since the 1970's, EPA has consistently defined ''RACT'' as the lowest emission limit that a particular source is capable of meeting by the

[1] A ''major source'' is defined based on the source's potential to emit (PTE) of NO_X or VOC, and the applicable thresholds for RACT differs based on the classification of the nonattainment area in which the source is located. See sections 182(c)–(f) and 302 of the CAA.

application of the control technology that is reasonably available considering technological and economic feasibility.[2]

EPA has provided more substantive RACT requirements through implementation rules for each ozone NAAQS as well as through guidance. In 2004 and 2005, EPA promulgated an implementation rule for the 1997 8-hour ozone NAAQS in two phases (''Phase 1 of the 1997 Ozone Implementation Rule'' and ''Phase 2 of the 1997 Ozone Implementation Rule''). 69 FR 23951 (April 30, 2004) and 70 FR 71612 (November 29, 2005), respectively. Particularly, the Phase 2 Ozone Implementation Rule addressed RACT statutory requirements under the 1997 8-hour ozone NAAQS. See 70 FR 71652 (November 29, 2005).

On March 6, 2015, EPA issued its final rule for implementing the 2008 8-hour ozone NAAQS (''the 2008 Ozone SIP Requirements Rule''). 80 FR 12264. At the same time, EPA revoked the 1997 8-hour ozone NAAQS, effective on April 6, 2015.[3] The 2008 Ozone SIP Requirements Rule provided comprehensive requirements to transition from the revoked 1997 8-hour ozone NAAQS to the 2008 8-hour ozone NAAQS, as codified in 40 CFR part 51, subpart AA, following revocation. Consistent with previous policy, EPA determined that areas designated nonattainment for both the 1997 and 2008 8-hour ozone NAAQS at the time of revocation, must retain implementation of certain nonattainment area requirements (*i.e.,* anti-backsliding requirements) for the 1997 8-hour ozone NAAQS as specified under section 182 of the CAA, including RACT. See 40 CFR 51.1100(o). An area remains subject to the anti-backsliding requirements for a revoked NAAQS until EPA approves a redesignation to attainment for the area for the 2008 8-hour ozone NAAQS. There are no effects on applicable requirements for areas within the OTR, as a result of the revocation of the 1997 8-hour ozone NAAQS. Thus, Pennsylvania, as a state within the OTR, remains subject to RACT requirements for both the 1997 8-hour ozone NAAQS and the 2008 8-hour ozone NAAQS.

In addressing RACT, the 2008 Ozone SIP Requirements Rule is consistent with existing policy and Phase 2 of the 1997 Ozone Implementation Rule. In the 2008 Ozone SIP Requirements Rule, EPA requires RACT measures to be implemented by January 1, 2017 for areas classified as moderate nonattainment or above and all areas of the OTR. EPA also provided in the 2008 Ozone SIP Requirements Rule that RACT SIPs must contain adopted RACT regulations, certifications where appropriate that existing provisions are RACT, and/or negative declarations stating that there are no sources in the nonattainment area covered by a specific control technique guidelines (CTG) source category. In the preamble to the 2008 Ozone SIP Requirements Rule, EPA clarified that states must provide notice and opportunity for public comment on their RACT SIP submissions, even when submitting a certification that the existing provisions remain RACT or a negative declaration. States must submit appropriate supporting information for their RACT submissions, in accordance with the Phase 2 of the 1997 Ozone Implementation Rule. Adequate documentation must support that states have considered control technology that is economically and technologically feasible in determining RACT, based on information that is current as of the time of development of the RACT SIP.

In addition, in the 2008 Ozone SIP Requirements Rule, EPA clarified that states can use weighted average NO_X emissions rates from sources in the nonattainment area for meeting the major NO_X RACT requirement under the CAA, as consistent with existing policy.[4] EPA also recognized that states may conclude in some cases that sources already addressed by RACT determinations for the 1979 1-hour and/or 1997 8-hour ozone NAAQS may not need to implement additional controls to meet the 2008 8-hour ozone NAAQS RACT requirement. See 80 FR 12278 and 12279 (March 6, 2015).

C. Applicability of RACT Requirements in Pennsylvania

As indicated earlier, RACT requirements apply to any ozone nonattainment areas classified as moderate or higher (serious, severe or extreme) under CAA sections 182(b)(2) and 182(f). Pennsylvania has outstanding ozone RACT requirements for both the 1997 and 2008 8-hour ozone NAAQS. The entire Commonwealth of Pennsylvania is part of the OTR established under section 184 of the CAA and thus is subject statewide to the RACT requirements of CAA sections 182(b)(2) and 182(f), pursuant to section 184(b).

At the time of revocation of the 1997 8-hour ozone NAAQS (effective April 6, 2015), only two moderate nonattainment areas remained in the Commonwealth of Pennsylvania for this standard, the Philadelphia and the Pittsburgh Areas. As required under EPA's anti-backsliding provisions, these two moderate nonattainment areas continue to be subject to RACT under the 1997 8-hour ozone NAAQS. Given its location in the OTR, the remainder of the Commonwealth is also treated as a moderate nonattainment area under the 1997 8-hour ozone NAAQS for any planning requirements under the revoked standard, including RACT. The OTR RACT requirement is also in effect under the 2008 8-hour ozone NAAQS throughout the Commonwealth, since EPA did not designate any nonattainment areas above marginal for this standard in Pennsylvania. Thus, in practice, the same RACT requirements continue to be applicable in Pennsylvania for both the 1997 and 2008 8-hour ozone NAAQS. RACT must be evaluated and satisfied as separate requirements under each applicable standard.

RACT applies to major sources of NO_X and VOC under each ozone NAAQS or any VOC sources subject to CTG RACT. Which NO_X and VOC sources in Pennsylvania are considered ''major'' and are therefore subject to RACT is dependent on the location of each source within the Commonwealth. Sources located in nonattainment areas would be subject to the ''major source'' definitions established under the CAA based on the area's current classification(s). In the case of Pennsylvania, sources located outside of moderate or above ozone nonattainment areas, as part of the OTR, shall be treated as if these areas were moderate.

[2] See December 9, 1976 memorandum from Roger Strelow, Assistant Administrator for Air and Waste Management, to Regional Administrators, ''Guidance for Determining Acceptability of SIP Regulations in Non-Attainment Areas,'' and 44 FR 53762 (September 17, 1979).

[3] On February 16, 2018, the United States Court of Appeals for the District of Columbia Circuit (D.C. Cir. Court) issued an opinion on the 2008 Ozone SIP Requirements Rule. *South Coast Air Quality Mgmt. Dist.* v. *EPA,* 882 F.3d 1138 (D.C. Cir. 2018). The D.C. Cir. Court found certain parts reasonable and denied the petition for appeal on those. In particular, the D.C. Cir. Court upheld the use of NO_X averaging to meet RACT requirements for 2008 8-hour ozone NAAQS. However, the Court also found certain other provisions unreasonable. The D.C. Cir. Court vacated the provisions it found unreasonable.

[4] EPA's NO_X RACT guidance ''Nitrogen Oxides Supplement to the General Preamble'' (57 FR 55620; November 25, 1992) encouraged states to develop RACT programs that are based on ''area wide average emission rates.'' Additional guidance on area-wide RACT provisions is provided by EPA's January 2001 economic incentive program guidance titled ''Improving Air Quality with Economic Incentive Programs,'' available at *https://www.epa.gov/sites/production/files/2015-07/documents/eipfin.pdf.* In addition, as mentioned previously, the D.C. Cir. Court upheld the use of NO_X averaging to meet RACT requirements for 2008 8-hour ozone NAAQS. *South Coast Air Quality Mgmt. Dist.* v. *EPA,* 882 F.3d 1138 (D.C. Cir. February 16, 2018).

In Pennsylvania, the SIP program is implemented primarily by the PADEP, but also by local air agencies in Philadelphia County (the City of Philadelphia's Air Management Services [AMS]) and Allegheny County, (the Allegheny County Health Department [ACHD]). These agencies have implemented numerous RACT regulations and source-specific measures in Pennsylvania to meet the applicable ozone RACT requirements. Historically, statewide RACT controls have been promulgated by PADEP in Pennsylvania Code Title 25—Environmental Resources, Part I—Department of Environmental Protection, Subpart C—Protection of Natural Resources, Article III—Air Resources, (25 Pa. Code) Chapter 129. AMS and ACHD have incorporated by reference Pennsylvania regulations, but have also promulgated regulations adopting RACT controls for their own jurisdictions. In addition, AMS and ACHD have submitted, through PADEP, separate source-specific RACT determinations as SIP revisions for sources within their respective jurisdictions, which have been approved by EPA. See 40 CFR 52.2020(d)(1).

States were required to make RACT SIP submissions for the 1997 8-hour ozone NAAQS by September 15, 2006. PADEP submitted a SIP revision on September 25, 2006, certifying that a number of previously approved VOC RACT rules continued to satisfy RACT under the 1997 8-hour ozone NAAQS for the remainder of Pennsylvania.[5] PADEP has met its obligations under the 1997 8-hour ozone NAAQS for its CTG and non-CTG VOC sources. See 82 FR 31464 (July 7, 2017). RACT control measures addressing all applicable CAA RACT requirements under the 1997 8-hour ozone NAAQS have been implemented and fully approved in the jurisdictions of ACHD and AMS. See 78 FR 34584 (June 10, 2013) and 81 FR 69687 (October 7, 2016). For the 2008 8-hour ozone NAAQS, states were required to submit RACT SIP revisions by July 20, 2014. On May 16, 2016, PADEP submitted a SIP revision addressing RACT for both the 1997 and 2008 8-hour ozone NAAQS in Pennsylvania. Specifically, the May 16, 2016 SIP submittal intended to satisfy sections 182(b)(2)(C), 182(f), and 184 of the CAA for both the 1997 and 2008 8-hour ozone NAAQS for Pennsylvania's major NO_X and VOC non-CTG sources, except ethylene production plants, surface active agents manufacturing, and mobile equipment repair and refinishing.[6]

D. EPA's Conditional Approval for Pennsylvania's RACT Requirements Under the 1997 and 2008 8-Hour Ozone NAAQS

On May 16, 2016, PADEP submitted a SIP revision addressing RACT for both the 1997 and 2008 8-hour ozone NAAQS in Pennsylvania. PADEP's May 16, 2016 SIP revision intended to address certain outstanding VOC CTG RACT and major NO_X RACT requirements under the CAA for both standards. The SIP revision requested approval of Pennsylvania's 25 Pa. Code 129.96–100, *Additional RACT Requirements for Major Sources of NO_X and VOCs* (the ''presumptive'' RACT II rule). Prior to the adoption of the RACT II rule, Pennsylvania relied on the NO_X and VOC control measures in 25 Pa. Code 129.92–95, *Stationary Sources of NO_X and VOCs,* (the RACT I rule) to meet RACT for major sources of VOC and NO_X. The requirements of the RACT I rule remain in effect and continue to be implemented as RACT.[7] On September 26, 2017, PADEP submitted a supplemental SIP revision which committed to address various deficiencies identified by EPA in PADEP's May 16, 2016 ''presumptive'' RACT II rule SIP revision.

On May 9, 2019, EPA conditionally approved the RACT II rule based on PADEP's September 26, 2017 commitment letter.[8] See 84 FR 20274. In EPA's final conditional approval, EPA noted that PADEP would be required to submit, for EPA's approval, SIP revisions to address any facility-wide or system-wide NO_X emissions averaging plan approved under 25 Pa. Code 129.98 and any case-by-case RACT determinations under 25 Pa. Code 129.99. PADEP committed to submitting these additional SIP revisions within 12 months of EPA's final conditional approval, specifically May 9, 2020.

Therefore, as authorized in CAA section 110(k)(3) and (k)(4), Pennsylvania was required to submit the following as source-specific SIP revisions, by May 9, 2020, for EPA's approval as a condition of approval of 25 Pa. Code 128 and 129 in the May 16, 2016 SIP revision: (1) All facility-wide or system-wide NO_X emissions averaging plans approved by PADEP under 25 Pa. Code 129.98 including, but not limited to, any terms and conditions that ensure the enforceability of the averaging plan as a practical matter (*i.e.,* any monitoring, reporting, recordkeeping, or testing requirements); and (2) all source-specific RACT determinations approved by PADEP under 25 Pa. Code 129.99, including any alternative compliance schedules approved under 25 Pa. Code 129.97(k) and 129.99(i); the case-by-case RACT determinations submitted to EPA for approval into the SIP should include any terms and conditions that ensure the enforceability of the case-by-case or source-specific RACT emission limitation as a practical matter (*i.e.,* any monitoring, reporting, recordkeeping, or testing requirements). See May 9, 2019 (84 FR 20274). Through multiple submissions between 2017 and 2020, PADEP has submitted to EPA for approval various SIP submissions to implement its RACT II case-by-case determinations and averaging plans. This proposed rulemaking is based on EPA's review of one of these SIP revisions.

II. Summary of SIP Revisions

In order to satisfy a requirement from EPA's May 9, 2019 conditional approval, PADEP has submitted to EPA, SIP revisions addressing source-specific RACT requirements for major sources in Pennsylvania subject to 25 Pa. Code 129.98 or 129.99. As noted in Table 1 of this document, on May 7, 2020, PADEP submitted to EPA, a SIP revision pertaining to Pennsylvania's source-specific NO_X and/or VOC RACT determinations for sources located at numerous major NO_X and VOC emitting facilities located in the Commonwealth. PADEP provided documentation in its SIP revisions to support its source-specific RACT determinations for affected emission units at each major NO_X and VOC emitting facilities subject to 25 Pa. Code 129.98 or 129.99.

In the Pennsylvania RACT SIP revision, PADEP included a case-by-case RACT determination for the existing emissions units at each of these major sources of NO_X and/or VOC that required a source-specific RACT determination pursuant to 25 Pa. Code 129.99. In PADEP's RACT

[5] The September 15, 2006 SIP submittal initially included Pennsylvania's certification of NO_X RACT regulations; however, NO_X RACT portions were withdrawn by PADEP on June 27, 2016.

[6] EPA's conditional approval of PADEP's May 16, 2016 SIP revision covered relevant sources located in both Philadelphia and Allegheny County, Pennsylvania.

[7] These requirements were initially approved as RACT for Pennsylvania under the 1979 1-hour ozone NAAQS. The RACT I Rule was approved by EPA into the SIP on March 23, 1998. 63 FR 13789.

[8] On August 27, 2020, the Third Circuit Court of Appeals issued a decision vacating EPA's approval of three provisions of Pennsylvania's presumptive RACT II rule applicable to certain coal-fired power plants. *Sierra Club* v. *EPA,* 972 F.3d 290 (3d Cir. 2020). None of the sources in this proposed rulemaking are subject to the three presumptive RACT II provisions at issue in that *Sierra Club* decision.

determinations an evaluation was completed to determine if previously SIP-approved, case-by-case RACT requirements (herein referred to as RACT I) were more stringent and required to be retained in the sources Title V air quality permit and subsequently, the Federally-approved SIP, or if the new case-by-case RACT requirements are more stringent and supersede the previous Federally-approved provisions.

EPA, in this action, is taking action on sources at twenty-three major NO_X and/or VOC emitting facilities in Pennsylvania, subject to Pennsylvania's source-specific RACT requirements, as summarized in Table 2.

TABLE 2—TWENTY-THREE MAJOR NO_X AND/OR VOC SOURCES IN PENNSYLVANIA SUBJECT TO SOURCE-SPECIFIC RACT II UNDER THE 1997 AND 2008 8–HOUR OZONE NAAQS

Major source (county)	1-Hour ozone RACT source? (RACT I)	Major source pollutant (NO_X and/or VOC)	RACT II permit (effective date)
AK Steel Corp (formerly Armco, Inc. Butler Operations) (Butler)	Yes	NO_X and VOC	10–00001 (2/25/2020).
Allegheny and Tsingshan Stainless LLC, Midland Facility (formerly J & L Specialty Steel Inc., Midland Facility) (Beaver).	Yes	NO_X and VOC	04–00013 (2/24/2020).
Alumax Mill Products (Lancaster)	Yes	NO_X and VOC	36–05014 (9/9/2019).
American Craft Brewery LLC (Lehigh)	Yes	NO_X and VOC	39–00006F (10/23/2019).
American Refining Group Inc (McKean)	Yes	NO_X and VOC	42–00004 (1/15/2020) and 42–004K (9/24/2019).
American Zinc Recycling Corp (Horsehead Resource Development Company, Inc.) (Carbon).	Yes	NO_X	13–00001 (3/25/2019).
Appvion Operations, Inc. (Blair)	Yes	NO_X and VOC	07–05001 (3/16/2020).
ArcelorMittal Steelton LLC (formerly Bethlehem Steel Corporation) (Dauphin).	Yes	NO_X and VOC	22–05012 (3/1/2020).
Carpenter Technology Corporation, Reading Plt (Berks)	Yes	NO_X and VOC	06–05007 (3/10/2020).
Chestnut Ridge Foam Inc (formerly Chestnut Ridge Foam, Inc., Latrobe) (Westmoreland).	Yes	VOC	65–00181 (1/22/2020).
East Penn Manufacturing Company, Inc., Battery Assembly (Berks)	Yes	NO_X and VOC	06–05069 (5/21/2019).
General Carbide Corporation (Westmoreland)	Yes	VOC	65–00622 (3/3/2020).
Lord Corp Saegertown (Crawford)	Yes	VOC	20–00194 (4/12/2021).
NLMK Pennsylvania LLC, Farrell Plt (formerly Caparo Steel Co.—Farrell) (Mercer).	Yes	NO_X and VOC	43–00310 (1/22/2020).
Omnova Solutions Inc.—Auburn Plant (formerly Gencorp, Inc.) (Schuylkill).	Yes	VOC	54–00009 (6/26/2018).
Pixelle Specialty Solutions LLC—Spring Grove Mill (York)	Yes	NO_X and VOC	67–05004 (4/1/2020).
Sonneborn LLC (formerly Crompton Corporation, Fairview Township; Witco Corp, Petrolia Facility) (Butler).	Yes	NO_X and VOC	10–037I (9/17/2019).
Specialty Tires of America, Indiana Plant (formerly Specialty Tires of America, Inc.) (Indiana).	Yes	VOC	32–00065 (1/16/2019).
Standard Steel LLC (formerly Standard Steel Division of Freedom Forge Corp.) (Mifflin).	Yes	NO_X and VOC	44–05001 (8/16/2019).
Tennessee Gas Pipeline Co., Mercer Station 219 (Mercer)	Yes	NO_X and VOC	43–00272 (1/2/2019).
Truck Accessories Group Milton Plant (formerly Truck Accessories Group East) (Northumberland).	Yes	VOC	49–00020 (1/14/2020).
United Refining Co (Warren)	Yes	NO_X and VOC	62–00017 (2/6/2020).
Wheatland Tube Company (Mercer)	Yes	NO_X	43–00182 (3/26/2019).

The case-by-case RACT determinations submitted by PADEP consist of an evaluation of all reasonably available controls at the time of evaluation for each affected emissions unit, resulting in a PADEP determination of what specific emission limit or control measures satisfy RACT for that particular unit. The adoption of new or additional controls or the revisions to existing controls as RACT were specified as requirements in new or revised Federally enforceable permits (hereafter RACT II permits) issued by PADEP to the source. Similarly, the adoption of an alternative NO**x** emission limit through a NO**x** emission averaging plan was specified in a RACT II permit. The RACT II permits, which revise or adopt additional source-specific controls, have been submitted as part of the Pennsylvania RACT SIP revisions for EPA's approval in the Pennsylvania SIP under 40 CFR 52.2020(d)(1). The RACT II permits submitted by PADEP are listed in the last column of Table 2 of this document, along with the permit effective date, and are part of the docket for this rulemaking, which is available online at *https://www.regulations.gov,* Docket No. EPA–R03–OAR–2021–0531.[9] EPA is proposing to incorporate by reference in the Pennsylvania SIP, via the RACT II permits, source-specific RACT determinations under the 1997 and 2008 8-hour ozone NAAQS for certain sources at major NO_X and VOC emitting facilities.[10]

III. EPA's Evaluation of SIP Revisions

After thorough review and evaluation of the information provided by PADEP for sources at twenty-three major NO_X and/or VOC emitting facilities in Pennsylvania included in its SIP revision submittal, EPA finds that PADEP's case-by-case RACT determinations and conclusions provided are reasonable and appropriately considered technically and economically feasible controls,

[9] The RACT II permits included in the docket for this rulemaking are redacted versions of the facility's Federally enforceable permits. They reflect the specific RACT requirements being approved into the Pennsylvania SIP via this rulemaking.

[10] While the prior SIP-approved RACT I permit will remain part of the SIP, this RACT II rule will incorporate by reference the RACT II requirements through the RACT II permit and clarify the ongoing applicability of specific conditions in the RACT I permit.

while setting lowest achievable limits. EPA finds that the proposed source-specific RACT controls for the sources subject to this rulemaking action adequately meet the CAA RACT requirements for the 1997 and 2008 8-hour ozone NAAQS for the subject sources of NO_X and/or VOC in Pennsylvania, as they are not covered by or cannot meet Pennsylvania's presumptive RACT regulation.

EPA also finds that all the proposed revisions to previously SIP approved RACT requirements, under the 1979 1-hour ozone standard (RACT I), as discussed in PADEP's SIP revisions, will result in equivalent or additional reductions of NO_X and/or VOC emissions and should not interfere with any applicable requirement concerning attainment of the NAAQS, reasonable further progress or other applicable CAA requirement under section 110(l) of the CAA.

EPA's complete analysis of PADEP's source-specific RACT SIP revisions is included in the TSD available in the docket for this rulemaking action and available online at *https://www.regulations.gov,* Docket number EPA–R03–OAR–2021–0531.

IV. Proposed Action

Based on EPA's review, EPA is proposing to approve the Pennsylvania SIP revisions for source-specific RACT determinations for individual sources at twenty-three major NO_X and VOC emitting facilities listed in Table 2 of this document and incorporate by reference in the Pennsylvania SIP, via the RACT II permits, source-specific RACT determinations under the 1997 and 2008 8-hour ozone NAAQS for those sources. EPA is soliciting public comments on the issues discussed in this document. These comments will be considered before taking final action. As EPA views each facility as a separable SIP revision, should EPA receive comment on one facility but not others, EPA may take separate, final action on the remaining facilities.

V. Incorporation by Reference

In this document, EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is proposing to incorporate by reference source-specific RACT determinations via the RACT II permits as described in Sections II and III—Summary of SIP Revisions and EPA's Evaluation of SIP Revisions in this document. EPA has made, and will continue to make, these materials generally available through *https://www.regulations.gov* and at the EPA Region III Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

VI. Statutory and Executive Order Reviews

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

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this proposed rulemaking, addressing the NO_X and VOC RACT source-specific requirements for individual sources at twenty-three facilities in Pennsylvania for the 1997 and 2008 8-hour ozone NAAQS, does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: August 11, 2021.

Diana Esher,

Acting Regional Administrator, Region III.

[FR Doc. 2021–17953 Filed 8–23–21; 8:45 am]

BILLING CODE P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 174 and 180

[EPA–HQ–OPP–2021–0088; FRL–8792–02–OCSPP]

Receipt of Pesticide Petitions Filed for Residues of Pesticide Chemicals in or on Various Commodities (August 2021)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notices of filing of petitions and request for comment.

SUMMARY: This document announces the Agency's receipt of initial filings of pesticide petitions requesting the establishment or modification of regulations for residues of pesticide chemicals in or on various commodities.

DATES: Comments must be received on or before September 23, 2021.

ADDRESSES: Submit your comments, identified by docket identification (ID) number and the pesticide petition (PP) of interest as shown in the body of this document, using the Federal eRulemaking Portal at *http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

Due to the public health concerns related to COVID–19, the EPA Docket

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

FOR FURTHER INFORMATION CONTACT: Marietta Echeverria, Registration Division (7505P), main telephone number: (703) 305–7090, email address: *RDFRNotices@epa.gov;* or Charles Smith, Biopesticides and Pollution Prevention Division (7511P), main telephone number: (703) 305–7090, email address: *BPPDFRNotices@epa.gov.* The mailing address for each contact person is: Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001. As part of the mailing address, include the contact person's name, division, and mail code. The division to contact is listed at the end of each pesticide petition summary.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

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

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

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through *regulations.gov* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at *http://www.epa.gov/dockets/comments.html.*

3. *Environmental justice.* EPA seeks to achieve environmental justice, the fair treatment and meaningful involvement of any group, including minority and/or low-income populations, in the development, implementation, and enforcement of environmental laws, regulations, and policies. To help address potential environmental justice issues, the Agency seeks information on any groups or segments of the population who, as a result of their location, cultural practices, or other factors, may have atypical or disproportionately high and adverse human health impacts or environmental effects from exposure to the pesticides discussed in this document, compared to the general population.

II. What action is the Agency taking?

EPA is announcing receipt of pesticide petitions filed under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, requesting the establishment or modification of regulations in 40 CFR part 174 or part 180 for residues of pesticide chemicals in or on various food commodities. The Agency is taking public comment on the requests before responding to the petitioners. EPA is not proposing any particular action at this time. EPA has determined that the pesticide petitions described in this document contain data or information prescribed in FFDCA section 408(d)(2), 21 U.S.C. 346a(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data supports granting of the pesticide petitions. After considering the public comments, EPA intends to evaluate whether and what action may be warranted. Additional data may be needed before EPA can make a final determination on these pesticide petitions.

Pursuant to 40 CFR 180.7(f), summaries of the petitions that are the subject of this document, prepared by the petitioners, are included in dockets EPA has created for these rulemakings. The dockets for these petitions are available at *http://www.regulations.gov.*

As specified in FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), EPA is publishing notice of the petitions so that the public has an opportunity to comment on these requests for the establishment or modification of regulations for residues of pesticides in or on food commodities. Further information on the petitions may be obtained through the petition summaries referenced in this unit.

Amended Tolerance Exemptions for Inerts (Except PIPS)

PP [IN–11513]. (EPA–HQ–OPP–2021–0194). [Spring Regulatory Sciences, 6620 Cypresswood Dr., Suite 250, Spring, TX 77379 on behalf of Nouryon Chemicals LLC,], requests to amend the exemption from the requirement of a tolerance in 40 CFR part 180 for 910, 930, 940 and 960 [Alcohols, C9-11-iso-, C10-rich, ethoxylated propoxylated] (CAS No. [154518–36–2] when used as a pesticide inert ingredient in pesticide formulations [Joint Inerts Task Force Cluster Support]. The analytical method is available to EPA The petitioner believes no analytical method is needed because [it is not required for an exemption from the requirement of a tolerance]. Contact: [RD].

Amended Tolerances for Non-Inerts

1. PP 1E8909. (EPA–HQ–OPP–2021–0310). The Interregional Research Project #4 (IR–4), Rutgers, The State University of New Jersey, 500 College Road East, Suite 201 W, Princeton, NJ 08540, proposes upon establishment of tolerances referenced in this document under ''New Tolerances'' for PP# 1E8909, to remove existing tolerances in 40 CFR 180.411 for residues of the herbicide fluazifop-P-butyl, including its metabolites and degradates, in or on the following commodities. Compliance with the tolerance levels specified in the table below is to be determined by measuring only the sum of fluazifop-P-butyl, butyl(R)-2-[4-[[5-(trifluoromethyl)-2-pyridinyl]oxy]phenoxy]propanoate, and the free and conjugated forms of the resolved isomer of fluazifop, (R)-2-[4-[[5-(trifluoromethyl)-2-pyridinyl]oxy]phenoxy]propanoic acid, calculated as the stoichiometric equivalent of fluazifop in or on Fruit, citrus, group 10 at 0.03 ppm; Fruit, stone at 0.05 ppm; Onion, green at 1.5 ppm; Rhubarb at 0.50 ppm; and Strawberry at 3.0 ppm. Contact: RD.

2. PP 0F8865. (EPA–HQ–OPP–2020–0498). BASF Corporation, 26 Davis Drive, Research Triangle Park, NC 27709, requests to amend the tolerance(s) in 40 CFR 180.473 for residues of the herbicide, glufosinate ammonium, determined by measuring the sum of glufosinate ammonium, butanoic acid, 2-amino-4-(hydroxymethylphosphinyl) monoammonium salt, and its metabolites, 2-(acetylamino)-4-

(hydroxymethyl phosphinyl) butanoic acid, and 3 (hydroxymethylphosphinyl) propanoic acid, expressed as 2-amino-4 (hydroxymethylphosphinyl) butanoic acid equivalents in or on oilseeds crop subgroup 20C, cottonseed subgroup at 15 ppm and cotton gin byproducts at 50 ppm. The high-performance liquid chromatography-electrospray ionization/tandem mass spectrometry (LC/MS/MS) is used to measure and evaluate the chemical glufosinate ammonium and metabolites of concern. Contact: RD.

New Tolerance Exemptions for Inerts (Except PIPS)

PP [IN–11515]. (EPA–HQ–OPP–2021–0323). [Spring Regulatory Sciences, 6620 Cypresswood Dr, Suite 250, Spring, TX 77379 on behalf of Nouryon Chemicals LLC,], requests to establish an exemption from the requirement of a tolerance in 40 CFR part 180.910 and 180.930 for residues of [Oxirane, 2-methyl-, polymer with oxirane, mono-C9-11-isoalkyl ethers, C10-rich, phosphates, potassium salts] (CAS Reg. No. [2275654–37–8] when used as a pesticide inert ingredient in pesticide formulations [Joint Inerts Task Force Cluster Support]. The analytical method is available to EPA The petitioner believes no analytical method is needed because [it is not required for an exemption from the requirement of a tolerance]. Contact: [RD].

New Tolerances for Non-Inerts

1. PP 0E8874. (EPA–HQ–OPP–2021–0434). BASF Corporation, 26 Davis Drive, Research Triangle Park, NC 27709, requests to establish a tolerance in 40 CFR part 180 for residues of the insecticide teflubenzuron in or on grape at 0.7 parts per million (ppm) and grape, raisin at 0.9 ppm. The Liquid Chromatography with Tandem Mass Spectrometry Detection (LC–MS/MS) is used to measure and evaluate the teflubenzuron residues. Contact: RD.

2. PP 1E8908. (EPA–HQ–OPP–2021–0453). Syngenta Crop Protection, LLC., P.O. Box 18300, Greensboro, NC 27419–8300, requests to establish a tolerance in 40 CFR part 180.565 for residues of the insecticide, Thiamethoxam {3-[(2-chloro-5-thiazolyl)methyl]tetrahydro-5-methyl-N-nitro-4H–1,3,5-oxadiazin-4-imine} and it's metabolite [N-(2-chloro-thiazol-5-ylmethyl)-N'-methyl-N'-nitro-guanidine], in or on pineapple at 0.03 parts per million (ppm) and 0.05 ppm for pineapple, process, residue. Liquid chromatography with either UV or MS detections is used to measure and evaluate the chemical thiamethoxam and the metabolite, CGA–322704. Contact: RD.

3. PP 1E8909. (EPA–HQ–OPP–2021–0310). The Interregional Research Project #4 (IR–4), Rutgers, The State University of New Jersey, 500 College Road East, Suite 201 W, Princeton, NJ 08540, requests to establish a tolerance in 40 CFR part 180.411 for residues of the herbicide fluazifop-P-butyl, including its metabolites and degradates, in or on the following commodities. Compliance with the tolerance levels specified in the table below is to be determined by measuring only the sum of fluazifop-P-butyl, butyl(R)-2-[4-[[5-(trifluoromethyl)-2-pyridinyl]oxy]phenoxy]propanoate, and the free and conjugated forms of the resolved isomer of fluazifop, (R)-2-[4-[[5-(trifluoromethyl)-2-pyridinyl]oxy]phenoxy]propanoic acid, calculated as the stoichiometric equivalent of fluazifop in or on Berry, low growing, subgroup 13–07G at 3 parts per million (ppm); Brassica, leafy greens, subgroup 4–16B at 15 ppm; Chive, dried leaves at 40 ppm; Fruit, citrus, group 10–10 at 0.03 ppm; Fruit, stone, group 12–12 at 0.05 ppm; Leaf petiole vegetable subgroup 22B at 3 ppm; Onion, green, subgroup 3–07B at 4 ppm; Papaya at 0.01 ppm; and Vegetable, brassica, head and stem, group 5–16 at 30 ppm. The LC–MS/MS is used to measure and evaluate the chemical. Contact: RD.

4. PP 0F8857. (EPA–HQ–OPP–2021–0290). Taminco US LLC, a subsidiary of Eastman Chemical Company, 200 S Wilcox Drive, Kingsport, TN 37660–5147, requests to establish a tolerance in 40 CFR part 180 for residues of the fungicide chlormequat chloride in or on the raw agricultural commodities barley grain at 8 parts per million (ppm), eggs at 0.1 ppm, meat byproducts of cattle at 0.7 ppm, meat of cattle at 0.2 ppm, meat byproducts of goats at 0.7 ppm, meat of goats at 0.2 ppm, meat byproducts of hogs at 0.5 ppm, meat of hogs at 0.2 ppm, meat byproducts of sheep at 0.7 ppm, meat of sheep at 0.2 ppm, milk at 0.5 ppm, poultry meat byproducts at 0.1 ppm, poultry meat at 0.05 ppm, oat grain at 40 ppm, triticale grain at 5 ppm, and wheat grain at 5 ppm. The validated LC–MS/MS method is used to measure and evaluate the chemical residues of chlormequat chloride in plants and animal products. Contact: OPP–RD.

5. PP 0F8875. (EPA–HQ–OPP–2021–0352). Dow Agrosciences, 9330 Zionsville Road, Indianapolis, IN 46268, requests to establish a tolerance in 40 CFR part 180 for residues of the nitrification inhibitor][Nitrapyrin [2-chloro-6-(trichloroethyl) pyridine] and its metabolite, 6-chloropicolinic acid (6-CPA) in or on: Cottonseed (crop subgroup 20C) at 4.0 parts per million (ppm); cotton, gin byproducts at 0.6 ppm; cotton. Meal at 6.0 ppm; rice, grain at 0.03 ppm; and rice, straw at 0.15 ppm. The validated liquid chromatography with tandem mass spectrometry (LC–MS/MS) method is used to measure and evaluate the chemical residues of nitrapyrin and 6-CPA). Contact: AD.

6. PP 1F8912. (EPA–HQ–OPP–2021–0435). Bayer CropScience, 800 N. Lindbergh Blvd., St. Louis, MO 63167, requests to establish a tolerance in 40 CFR part 180 for residues of the herbicide, diflufenican (*N*-(2,4-difluorophenyl)-2-[3-(trifluoromethyl)phenoxy]-3-pyridinecarboxamide) in or on Soybean, forage at 0.015 parts per million (ppm), Soybean, hay at 0.02 ppm, Soybean, seed at 0.01 ppm, Corn, forage at 0.01 ppm, Corn, grain at 0.01 ppm, and Corn, stover at 0.01 ppm. High performance liquid chromatography-electrospray ionization/tandem mass spectrometry (LC/MS/MS) is used to measure and evaluate the chemical diflufenican. Contact: RD.

7. PP 1F8917. (EPA–HQ–OPP–2021–0400). Syngenta Crop Protection, LLC, P.O. Box 18300, Greensboro, NC 27419, requests to establish a tolerance in 40 CFR part 180 for residues of the fungicide Picarbutrazox ((1,1-dimethylethyl*N*-[6-[[[(*Z*)-[1-methyl-1*H*-tetrazol-5-yl)phenylmthylene]amino]oxy]methyl]-2-pyridinyl]carbamate) in or on Barley, grain at 0.01 parts per million (ppm); Barley, hay at 0.01 ppm; Barley, straw at 0.01 ppm; Bean, forage at 0.01 ppm; Bean, hay at 0.01 ppm; Buckwheat, forage at 0.01 ppm; Buckwheat, grain at 0.01 ppm; Buckwheat, hay at 0.01 ppm; Buckwheat, straw at 0.01 ppm; Cotton at 0.01 ppm; Cotton, gin byproducts at 0.01 ppm; Cotton, undelinted seed at 0.01 ppm; Herb group 25 at 0.01 ppm; Millet, pearl, forage at 0.01 ppm; Millet, pearl, grain at 0.01 ppm; Millet, pearl, hay at 0.01 ppm; Millet, pearl, straw at 0.01 ppm; Millet, proso, forage at 0.01 ppm; Millet, proso, grain at 0.01 ppm; Millet, proso, hay at 0.01 ppm; Millet, proso, straw at 0.01 ppm; Oat, forage at 0.01 ppm; Oat, hay at 0.01 ppm; Oat, straw at 0.01 ppm; Oat, grain at 0.01 ppm; Pea, hay at 0.01 ppm; Pea, vines at 0.01 ppm; Rapeseed subgroup 20A at 0.01 ppm; Rye, forage at 0.01 ppm; Rye, grain at 0.01 ppm; Rye, hay at 0.01 ppm; Rye, straw at 0.01 ppm; Sorghum at 0.01 ppm; Spice group 26 at 0.01 ppm; Spinach at 0.01 ppm; Teosinte, forage at 0.01 ppm; Teosinte, grain at 0.01 ppm; Teosinte, hay at 0.01 ppm; Teosinte, straw at 0.01 ppm; Triticale, forage at 0.01 ppm; Triticale, grain at 0.01 ppm; Triticale, hay at 0.01 ppm; Triticale,

straw at 0.01 ppm; Vegetable, brassica, head and stem, group 5–16 at 0.01 ppm; Vegetable, bulb, group 3–07 at 0.01 ppm; Vegetable, cucurbit, group 9 at 0.01 ppm; Vegetable, leafy, group 4–16, except spinach at 0.01 ppm; Vegetable, leaves of root and tuber, group 2 at 0.01 ppm; Vegetable, legume, group 6 at 0.01 ppm; Vegetable, fruiting, group 8–10 at 0.01 ppm; Vegetable, root and tuber, group 1, except potato at 0.01 ppm; Vegetable, stalk, stem, and leaf petiole group 22 at 0.01 ppm; Wheat, forage at 0.01 ppm; Wheat, grain at 0.01 ppm; Wheat, hay at 0.01 ppm; and Wheat, straw at 0.01 ppm. The ''AOAC Official Method 2007.1'' method, which uses LC–MS/MS, is used to measure and evaluate the chemical picarbutrazox and its metabolites, TZ-1E, TZ-2-β-Glc, TZ-5, and TZ-5-Glc. Contact: RD.

8. PP 1F8925. (EPA–HQ–OPP–2021–0432). Valent U.S.A. LLC, 4600 Norris Canyon Road, P.O. Box 5075, San Ramon, CA 94583–0975, requests to establish a tolerance in 40 CFR part 180 for residues of the fungicide Mandestrobin (2 *RS*)-2-{2-[(2,5-dimethylphenoxy)methyl]phenyl}-2-methoxy-*N*-methylacetamide in or on Rapeseed subgroup 20A, seed at 0.2 parts per million (ppm). An independently validated analytical method with appropriate sensitivity is used to measure and evaluate the chemical mandestrobin. Contact: RD.

Authority: 21 U.S.C. 346a.

Dated: August 11, 2021.

Delores Barber,

Director, Information Technology and Resources Management Division, Office of Program Support.

[FR Doc. 2021–17894 Filed 8–23–21; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

49 CFR Part 391

[Docket No. FMCSA–2019–0049]

RIN 2126–AC21

Medical Review Board Task 21–1 Report: FMCSA Proposed Alternative Vision Standard

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of availability (NOA); request for comments.

SUMMARY: In January 2021, FMCSA published a notice of proposed rulemaking (NPRM) to amend its regulations to permit individuals who cannot meet either the current distant visual acuity or field of vision standard, or both, in one eye to be physically qualified to operate a commercial motor vehicle (CMV) in interstate commerce. The comment period closed on March 15, 2021. The Agency received 69 comments. In May 2021, FMCSA requested, in part, that FMCSA's Medical Review Board (MRB) review and analyze the comments from medical professionals and associations and make recommendations regarding the proposed alternative vision standard for FMCSA to consider. The Agency announces the availability of the MRB's report and requests comments on the MRB's recommendations. MRB Task 21–1 Report is available in Docket Number FMCSA–2019–0049.

DATES: Comments must be received on or before September 23, 2021.

ADDRESSES: You may submit comments identified by Docket Number FMCSA–2019–0049 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *https://www.regulations.gov/docket/FMCSA-2019-0049/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: Ms. Christine A. Hydock, Chief, Medical Programs Division, FMCSA,1200 New Jersey Avenue SE, Washington, DC 20590, (202) 366–4001, *FMCSAMedical@dot.gov.* If you have questions on viewing or submitting material to the docket, call Dockets Operations at (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation and Request for Comments

A. Submitting Comments

If you submit a comment, please include the docket number for this NOA (FMCSA–2019–0049), 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-2019-0049/document,* click on this NOA, 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 this NOA 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 NOA, 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. Submissions containing CBI should be sent to Mr. Brian Dahlin, Chief, Regulatory Analysis Division, Office of Policy, FMCSA, 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.

B. Viewing Comments and Documents

To view any documents mentioned as being available in the docket, go to *https://www.regulations.gov/docket/FMCSA-2019-0049/document* and choose the document to review. To view

comments, click this NOA, 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. Background

FMCSA's mission is to reduce crashes, injuries, and fatalities involving large trucks and buses. FMCSA is authorized by statute to establish minimum physical qualification standards for drivers of CMVs operating in interstate commerce. To ensure the physical qualification of CMV drivers, the Agency has established a vision standard, along with several other physical standards. The current vision standard can be found at 49 CFR 391.41(b)(10).

The Federal Highway Administration, the predecessor agency to FMCSA, adopted the current vision standard April 22, 1970 (35 FR 6458). Under this standard, an individual is physically qualified to drive a CMV if the individual has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of at least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70 degrees in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing standard red, green, and amber (49 CFR 391.41(b)(10)). This standard has not changed since it became effective on January 1, 1971.

Since 1998, FMCSA has maintained an exemption program for individuals who do not meet certain vision standards. The Agency considers vision exemptions on a case-by-case basis upon application by CMV drivers who do not meet either the distant visual acuity or field of vision standard, or both, of § 391.41(b)(10) in one eye. The Agency does not grant exemptions for color blindness.

On January 12, 2021, FMCSA published an NPRM that proposed an alternative vision standard for individuals unable to meet either the current distant visual acuity or field of vision standard, or both (86 FR 2344). The comment period on the NPRM closed on March 15, 2021. The Agency received 69 comments.

III. MRB Task 21–1

The MRB was established to provide FMCSA with medical advice and recommendations on medical standards and guidelines for the physical qualifications of CMV operators, medical examiner education, and medical research (49 U.S.C. 31149(a)(1)). The MRB, in view of its statutory creation and advisory function, is chartered by DOT as an advisory committee under the provisions of the Federal Advisory Committee Act (5 U.S.C. App.) See also *Announcement of Establishment of the Federal Motor Carrier Safety Administration Medical Review Board* (70 FR 57642; Oct. 3, 2005). The members of the MRB are appointed by the Secretary to reflect expertise in a variety of medical specialties relevant to the driver fitness requirements of FMCSA (49 U.S.C. 31149(a)(2)).

To assist in the development of a final rule, on May 11, 2021, FMCSA requested advice from the MRB for the Agency to consider. Specifically, FMCSA asked the MRB to review and analyze all comments from medical professionals and associations, make recommendations regarding the proposed alternative vision standard, and identify factors the Agency should consider regarding next steps in the vision rulemaking. In addition, FMCSA requested recommendations with respect to whether the information requested from eye specialists on the proposed Vision Evaluation Report provides sufficient information for a medical examiner to make a medical certification determination. The MRB held a public meeting to discuss MRB Task 21–1 on May 19 and 20, 2021. The Agency received the MRB's final report on July 20, 2021. Details of the meeting, including MRB Task 21–1, the MRB Task 21–1 Report, and supporting materials used by the MRB, are posted on the Agency's public website at *https://www.fmcsa.dot.gov/medical-review-board-mrb-meeting-topics.*

IV. MRB Task 21–1 Report

The MRB's final report is available in the docket (in addition to being available on the Agency's public website). The MRB Task 21–1 Report contains detailed recommendations for FMCSA to consider as it develops a final rule. The Agency believes that public comment on the recommendations will assist it in evaluating the advice it has received from the MRB. Comments must be limited to addressing the recommendations in the MRB Task 21–1 Report. The MRB made the following recommendations in its MRB Task 21–1 Report:

I. Overview

A. With respect to the medical aspects of the proposed alternative vision standard only, if the MRB does not make a specific recommendation to change a provision, the MRB concurs with the provision as proposed in the January 2021 NPRM.

B. The MRB recommends that the Agency deemphasize that the alternative vision standard begins with the vision evaluation because the individual may be examined first by the medical examiner.

II. Recommendations for the Regulatory Standards

A. The MRB recommends that the current field of vision requirement be changed from 70 degrees to 120 degrees for the alternative vision standard for monocular vision drivers.

B. The MRB agrees that the requirement for sufficient time to adapt to and compensate for the vision deficiency should not be changed in the proposed alternative vision standard. The MRB notes it does not have sufficient data to establish a specific waiting period for an individual who has a new vision deficiency.

III. Recommendations for the Vision Evaluation Report

A. The MRB recommends that the physical qualification standards for the alternative vision standard, as set forth in the paragraph below from Task 21–1 but modified to reflect a field of vision of at least 120 degrees, be added to page 1 in the instructions after FMCSA's definition of monocular vision:

The proposal would provide that, to be physically qualified under the alternative vision standard, the individual must: (1) Have in the better eye distant visual acuity of at least 20/40 (Snellen), with or without corrective lenses, and field of vision of at least 120 degrees in the horizontal meridian; (2) be able to recognize the colors of traffic signals and devices showing standard red, green, and amber; (3) have a stable vision deficiency; and (4) have had sufficient time to adapt to and compensate for the vision deficiency.

B. The MRB recommends that the Agency expand the medical opinion in question 12 to require that the individual can drive a CMV safely with the vision condition. The MRB notes that the medical opinion provided by the ophthalmologist or

optometrist regarding whether the individual has adapted to and compensated for the change in vision sufficiently encompasses depth perception. The MRB notes further that question 12 sufficiently implies that time is needed to adapt and compensate for the change in vision but appropriately relies on the ophthalmologist or optometrist conducting the vision evaluation to determine the appropriate period of time on a case-by-case basis.

C. The MRB recommends that the requests for information about stability in questions 11 and 13 both be retained. The questions solicit different information.

D. The MRB recommends that the Agency change the order of the requested information to be questions 1 through 9, 10, 12, 13, and then 11.

E. The MRB recommends that the vision evaluation report not request information relating to severe non-proliferative diabetic retinopathy and proliferative diabetic retinopathy because they are evaluated separately under the standard for insulin-treated diabetes mellitus.

The Vision Evaluation Report, Form MCSA–5871, with the MRB's recommended edits is an attachment to the MRB Task 21–1 Report, which can be found in the docket (in addition to being available on the Agency's public website).

V. Comments Requested

Comments are requested on any and all of the recommendations provided in the MRB Task 21–1 Report but only on those recommendations. To the extent possible, comments should include supporting materials, such as data analyses, studies, reports, or journal articles. FMCSA will consider these comments, in addition to the comments submitted in response to the NPRM, in determining how to proceed in the vision rulemaking.

Issued under authority delegated in 49 CFR 1.87.

Meera Joshi,

Deputy Administrator.

[FR Doc. 2021–17850 Filed 8–23–21; 8:45 am]

BILLING CODE 4910–EX–P

Notices

Federal Register
Vol. 86, No. 161
Tuesday, August 24, 2021

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

August 19, 2021.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested regarding; whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by September 23, 2021 will be considered. Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Food and Nutrition Service

Title: Pandemic Electronic Benefit Transfer (P–EBT).

OMB Control Number: 0584–0660.

Summary of Collection: This is a revision of the currently approved information collection. The Families First Coronavirus Response Act of 2020 (FFCRA, Pub. L. 116–127), enacted March 18, 2020, included a general provision that allows the Department of Agriculture to approve state plans to provide temporary emergency Supplemental Nutrition Assistance Program (SNAP) assistance to households with children who would otherwise receive free or reduced-price meals if not for their schools being closed due to the COVID–19 emergency (also known as Pandemic EBT, or P–EBT). The authority for P–EBT under FFCRA expired on September 30, 2020. The Continuing Appropriations Act, 2021 and Other Extensions Act (Pub. L. 116–159), enacted October 1, 2020 extended the authority for P–EBT through September 30, 2021. This legislation also expanded the program to include childcare facilities affected by the closures and schools with reduced attendance hours. The Consolidated Appropriations Act, 2021 (Pub. L. 116–260), enacted December 27, 2020, provided additional eligibility requirements and State flexibilities for both school and childcare components of this program. The American Rescue Plan Act, 2021 (Pub. L. 117–2) enacted March 11, 2021, added a summer component to P–EBT for school children and children in childcare and extended P–EBT through the end of COVID–19 emergency declaration.

Need and Use of the Information: This information collection is necessary to ensure that households impacted by COVID–19 receive emergency food assistance and that State agencies and schools receive reimbursement of their administrative costs.

States impacted by COVID–19 could issue P–EBT benefits to SNAP (currently participating in SNAP) and non-SNAP (not currently participating in SNAP) households with children who have temporarily lost access to free or reduced-price school meals due to pandemic related school closures, reduced school hours, or reduced school attendance. These households are eligible for P–EBT if they meet the following eligibility standards:

- Households include a child or children who, if not for a COVID–19 related school closure, reduced school hours, or reduced school attendance, would have received a receive free or reduced-price school meals under the Richard B. Russell National School Lunch Act, as amended, and
- The child's school has been closed, had reduced hours, or reduced attendance due to pandemic for at least 5 consecutive days.

FNS will provide funding to each State's SNAP State agency for 100% of P–EBT-related administrative costs. Such funding will be available for the necessary, allowable, and reasonable State agency and school costs associated with the administration of P–EBT incurred during FY 2021. This includes administrative costs associated with the issuance of retroactive FY 2020 benefits incurred in FY 2021. States interested in the 100% funding will be expected to submit a P–EBT administrative cost plan for the intended period of operations for USDA approval.

The estimates for the number of burden hours have increased from the numbers included in the original 60 Day Notice by 12,844,628 burden hours. There were 27 burden hours added due to a reporting requirement which was mistakenly omitted when the 60 Day Notice was published. As a result, from comment received to add burden for the time it takes schools to provide eligibility data to State agencies and for State agencies to determine eligibility and complete administrative costs plans. There is an increase of 12,844,601 burden hours.

Description of Respondents: State Agencies, Private Sector (Business-not-for profit), Individuals and Households.

Number of Respondents: 675,820.

Frequency of Responses: Reporting: Once, Quarterly, Annually.

Total Burden Hours: 16,529,556.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2021–18155 Filed 8–23–21; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE

U.S. Codex Office

Codex Alimentarius Commission: Meeting of the Codex Committee on Fish and Fishery Products

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 August 31, 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 35th Session of the Codex Committee on Fish and Fishery Products (CCFFP) of the Codex Alimentarius Commission, which will meet by correspondence during the period of September 20–October 20, 2021 with report adoption on October 25, 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 35th Session of the CCFFP and to address items on the agenda.

DATES: The public meeting is scheduled for August 31, 2021, from 1:00–3:00 p.m. ET.

ADDRESSES: The public meeting will take place via Video Teleconference only. Documents related to the 35th Session of the CCFFP will be accessible via the internet at the following address: *http://www.fao.org/fao-who-codexalimentarius/meetings/detail/en/?meeting=CCFFP&session=35.*

Melissa Abbott, U.S. Delegate to the 35th Session of the CCFFP, invites U.S. interested parties to submit their comments electronically to the following email address: *Melissa.Abbott@fda.hhs.gov.*

Registration: Attendees must register to attend the public meeting here: *https://www.zoomgov.com/meeting/register/vJItcuuhrDkiHcpY8OPpLO2mPqE6lvXs-mQ.* After registering, you will receive a confirmation email containing information about joining the meeting.

For Further Information about the 35th Session of the CCFFP, contact U.S. Delegate, Melissa Abbott, *Melissa.Abbott@fda.hhs.gov,* +1 (240) 402–1401.

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 Fish and Fishery Products (CCFFP) are:

> To elaborate worldwide standards for fresh, frozen (including quick frozen) or otherwise processed fish, crustaceans, and mollusks.

The CCFFP is hosted by Norway. The United States attends the CCFFP as a member country of Codex.

Issues To Be Discussed at the Public Meeting

The following items on the Agenda for the 35th Session of the CCFFP will be discussed during the public meeting:

- Adoption of the Agenda
- Matters arising from the Codex Alimentarius Commission and other subsidiary bodies
- Information on activities of FAO and WHO relevant to the work of CCFFP
- Proposed amendment of the Standard for Canned Sardines and Sardine-Type Products

Public Meeting

At the August 31, 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 Melissa Abbott, U.S. Delegate for the 35th Session of the CCFFP (see **ADDRESSES**). Written comments should state that they relate to activities of the 35th Session of the CCFFP.

Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, the U.S. Codex Office will announce this **Federal Register** publication on-line through the USDA web page located at: *http://www.usda.gov/codex*, a link that also offers an email subscription service providing access to information related to Codex. Customers can add or delete their subscription themselves and have the option to password protect their accounts.

USDA Non-Discrimination Statement

No agency, officer, or employee of the USDA shall, on the grounds of race, color, national origin, religion, sex, gender identity, sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, or political beliefs, exclude from participation in, deny the benefits of, or subject to discrimination any person in the United States under any program or activity conducted by the USDA.

How To File a Complaint of Discrimination

To file a complaint of discrimination, complete the USDA Program Discrimination Complaint Form, which may be accessed online at *https://www.ocio.usda.gov/sites/default/files/docs/2012/Complain_combined_6_8_12.pdf,* or write a letter signed by you or your authorized representative. Send your completed complaint form or letter to USDA by mail, fax, or email.

Mail: U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue SW, Washington, DC 20250–9410.

Fax: (202) 690–7442, Email: *program.intake@usda.gov.*

Persons with disabilities who require alternative means for communication (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720–2600 (voice and TDD).

Done at Washington, DC, on August 12, 2021.

Mary Frances Lowe,

U.S. Manager for Codex Alimentarius.

[FR Doc. 2021–18128 Filed 8–23–21; 8:45 am]

BILLING CODE P

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. FSIS–2021–0020]

Notice of Request To Renew an Approved Information Collection: Petitions for Rulemaking

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 and Office of Management and Budget (OMB) regulations, the Food Safety and Inspection Service (FSIS) is announcing its intention to renew the approved

information collection regarding petitions for rulemaking. The approval for this information collection will expire on December 31, 2021. FSIS is making no changes to the approved information collection.

DATES: Submit comments on or before October 25, 2021.

ADDRESSES: FSIS invites interested persons to submit comments on this **Federal Register** notice. Comments may be submitted by one of the following methods:

- *Federal eRulemaking Portal:* This website provides commenters the ability to type short comments directly into the comment field on the web page or to attach a file for lengthier comments. Go to *https://www.regulations.gov.* Follow the on-line instructions at that site for submitting comments.
- *Mail:* Send to Docket Clerk, U.S. Department of Agriculture, Food Safety and Inspection Service, 1400 Independence Avenue SW, Mailstop 3758, Washington, DC 20250–3700.
- *Hand- or Courier-Delivered Submittals:* Deliver to 1400 Independence Avenue SW, Washington, DC 20250–3700.

Instructions: All items submitted by mail or electronic mail must include the Agency name and docket number FSIS–2021–0020. Comments received in response to this docket will be made available for public inspection and posted without change, including any personal information, to *https://www.regulations.gov.*

Docket: For access to background documents or comments received, call (202)205–0495 to schedule a time to visit the FSIS Docket Room at 1400 Independence Avenue SW, Washington, DC 20250–3700.

FOR FURTHER INFORMATION CONTACT: Gina Kouba, Office of Policy and Program Development, Food Safety and Inspection Service, USDA, 1400 Independence Avenue SW, Mailstop 3758, South Building, Washington, DC 20250–3700; (202) 720–5627.

SUPPLEMENTARY INFORMATION:

Title: Petitions for Rulemaking.

OMB Number: 0583–0136.

Type of Request: Request to renew an approved information collection.

Abstract: FSIS has been delegated the authority to exercise the functions of the Secretary (7 CFR 2.18, 2.53), as specified in the Federal Meat Inspection Act (FMIA) (21 U.S.C. 601, *et seq.*), the Poultry Products Inspection Act (PPIA) (21 U.S.C. 451, *et seq.*) and the Egg Products Inspection Act (EPIA) (21 U.S.C. 1031, *et seq.*). These statutes mandate that FSIS protect the public by verifying that meat, poultry, and egg products are safe, wholesome, unadulterated, and properly labeled and packaged.

The Administrative Procedure Act requires that Federal agencies give interested persons the right to petition for issuance, amendment, or repeal of a rule (5 U.S.C. 553(e)). FSIS has regulations to govern the submission to the Agency of petitions for rulemaking (9 CFR part 392). These regulations are designed to encourage the filing of well-supported petitions that contain information that the Agency needs to evaluate a requested rulemaking in a timely manner. FSIS uses the information associated with a petition to assess the merits of the requested action and to determine whether to issue, amend, or repeal regulations in response to the petition.

FSIS is requesting a renewal of the approved information collection addressing paperwork requirements regarding petitions submitted to the Agency. FSIS is making no changes to the approved collection. FSIS has made the following estimates based upon an information collection assessment.

Estimate of Burden: FSIS estimates that it takes respondents an average of 40 hours per year to complete and submit a petition.

Respondents: Official establishments, official plants, firms, trade associations, and public interest groups.

Estimated Number of Respondents: 10.

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 400.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record. Copies of this information collection assessment can be obtained from Gina Kouba, Office of Policy and Program Development, Food Safety and Inspection Service, USDA, 1400 Independence Avenue SW, Mailstop 3758, South Building, Washington, DC 20250–3700; (202) 720–5627.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of FSIS's functions, including whether the information will have practical utility; (b) the accuracy of FSIS's estimate of the burden of the proposed collection of information, including the validity of the method 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, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques, or other forms of information technology. Comments may be sent to both FSIS, at the addresses provided above, and the Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, DC 20253.

Additional Public Notification

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

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

USDA Non-Discrimination Statement

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

Persons with disabilities who require alternative means of communication for program information (*e.g.,* Braille, large

print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720–2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877–8339. Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD–3027, found online at How to File a Program Discrimination Complaint and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632–9992.

Submit your completed form or letter to USDA by: (1) Mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue SW, Washington, DC 20250–9410; (2) fax: (202) 690–7442; or (3) email: *program.intake@usda.gov.* USDA is an equal opportunity provider, employer, and lender.

Paul Kiecker,

Administrator.

[FR Doc. 2021–18210 Filed 8–23–21; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF AGRICULTURE

Office of the Secretary

Fiscal Year 2021 Raw Cane Sugar Tariff-Rate Quota Increase and Extension of the Entry Period

AGENCY: Office of the Secretary, USDA.

ACTION: Notice.

SUMMARY: The Office of the Secretary of the U.S. Department of Agriculture (the Secretary) is providing notice of an increase in the fiscal year (FY) 2021 raw cane sugar tariff-rate quota (TRQ) of 90,100 metric tons raw value (MTRV) and an extension of the TRQ entry period.

DATES: Applicable: August 24, 2021.

FOR FURTHER INFORMATION CONTACT: Souleymane Diaby, Multilateral Affairs Division, Trade Policy and Geographic Affairs, Foreign Agricultural Service, U.S. Department of Agriculture, Stop 1070, 1400 Independence Avenue SW, Washington, DC 20250–1070; by telephone (202) 720–2916; or by email *Souleymane.Diaby@usda.gov.*

SUPPLEMENTARY INFORMATION: On July 9, 2020, the Secretary established the FY 2021 TRQ for raw cane sugar at 1,117,195 MTRV, the minimum to which the United States is committed under the World Trade Organization (WTO) Uruguay Round Agreements. Pursuant to Additional U.S. Note 5 to Chapter 17 of the U.S. Harmonized Tariff Schedule (HTS) and Section 359k of the Agricultural Adjustment Act of 1938, as amended, the Secretary has authority to modify the raw and refined sugar WTO TRQs. The Secretary gives notice today of an increase in the quantity of raw cane sugar eligible to enter at the lower rate of duty during FY 2021 by 90,100 MTRV. The conversion factor is 1 metric ton raw value equals 1.10231125 short tons raw value. With this increase, the overall FY 2021 raw sugar TRQ is now 1,207,295 MTRV. Raw cane sugar under this quota must be accompanied by a certificate for quota eligibility. The Office of the U.S. Trade Representative (USTR) will allocate this increase among supplying countries and customs areas.

The Secretary also today announces that all sugar entering the United States under the FY 2021 raw sugar TRQ will be permitted to enter U.S. Customs territory through October 31, 2021, a month later than the usual last entry date. Additional U.S. Note 5(a)(iv) of Chapter 17 of the HTS provides: ''(iv) Sugar entering the United States during a quota period established under this note may be charged to the previous or subsequent quota period with the written approval of the Secretary.''

These actions are being taken after a determination that additional supplies of raw cane sugar are required in the U.S. market. USDA will closely monitor stocks, consumption, imports and all sugar market and program variables on an ongoing basis and may make further program adjustments during FY 2021 if needed.

Jason Hafemeister,

Acting Deputy Under Secretary, Trade and Foreign Agricultural Affairs.

[FR Doc. 2021–18194 Filed 8–23–21; 8:45 am]

BILLING CODE 3410–10–P

DEPARTMENT OF AGRICULTURE

Rural Business-Cooperative Service

[Docket No. RBS–21–BUSINESS–019]

Stakeholder Listening Session and Request for Information on the Value-Added Producer Grant Program

AGENCY: Rural Business-Cooperative Service, USDA.

ACTION: Request for information.

SUMMARY: The Rural Business-Cooperative Service (RBCS) is hosting a listening session and opening a request for information for public input about the Value-Added Producer Grant (VAPG) program. The VAPG program helps agricultural producers enter into value-added activities related to the processing and marketing of new products. The goals of this program are to generate new products, create and expand marketing opportunities, and increase producer income. RBCS is currently considering how it can streamline the application process, clarify eligibility requirements concerning food safety, reduce the burden for meeting requirements, and implement such requirements.

DATES: The listening session will be held on:

October 6, 2021 at 2:00 p.m.–4:00 p.m. ET

https://attendee.gotowebinar.com/register/5740455421628126 83

Comments must be submitted by 11:59 p.m. Eastern Standard Time (EST) on *https://www.regulations.gov.*

ADDRESSES: Federal eRulemaking Portal: Go to *https://www.regulations.gov* and, in the ''Search'' box, type in the Docket No. RBS–21–BUSINESS–0019. A link to the Notice will appear. You may submit a comment here by selecting the ''Comment'' button or you can access the ''Docket'' tab, select the ''Notice,'' and go to the ''Browse & Comment on Documents'' Tab. Here you may view comments that have been submitted as well as submit a comment. To submit a comment, select the ''comment'' button, complete the required information, and select the ''Submit Comment'' button at the bottom. Information on using *Regulations.gov*, including instructions for accessing documents, submitting comments, and viewing the docket after the close of the comment period, is available through the site's ''FAQ'' link at the bottom. Comments on this information collection must be received by October 25, 2021.

FOR FURTHER INFORMATION CONTACT: Greg York, Program Management Division, Rural Business-Cooperative Service, United States Department of Agriculture, 1400 Independence Avenue SW, MS 3226, Room 5801—South, Washington, DC 20250–3250, or call 202–720–1400, or email *cpgrants@wdc.usda.gov.*

SUPPLEMENTARY INFORMATION:

Overview of VAPG

The VAPG program is authorized under section 231 of the Agriculture Risk Protection Act of 2000 (Pub. L. 106–224), as amended by section 10102 of the Agriculture Improvement Act of 2018 (Pub. L. 115–334) (see 7 U.S.C.

1627c). Applicants must adhere to the requirements contained in the program regulation, 7 CFR 4284, subpart J. Terms you need to understand are defined in 7 CFR 4284.902.

The objective of this grant program is to assist viable Independent Producers, Agricultural Producer Groups, Farmer and Rancher Cooperatives, and Majority-Controlled Producer-Based Businesses in starting or expanding value-added activities related to the processing and/or marketing of Value-Added Agricultural Products. Grants will be awarded competitively for either planning or working capital projects directly related to the processing and/or marketing of value-added products. Generating new products, creating and expanding marketing opportunities, and increasing producer income are the end goals of the program. All proposals must demonstrate economic viability and sustainability to compete for funding.

Instructions

Response to this notice is voluntary. Each individual or institution is requested to submit only one response as directed in the **ADDRESSES** section of this notice. Submission must not exceed 10 pages and fonts must be 12 point or larger, with a page number on each page. Responses should include the name of the person(s) or organization(s) filing the comment. Comments containing references, studies, research, and other empirical data that are not widely published should include copies or electronic links of the referenced materials. Comments containing profanity, vulgarity, threats, or other inappropriate language or content will not be considered. Comments submitted in response to this notice are subject to disclosure under the Freedom of Information Act (FOIA) (5 U.S.C. 552). Responses to this notice may also be posted, without change, on a Federal website.

Therefore, we request that no business proprietary information, copyrighted information, or personally identifiable information be submitted in response to this notice. In accordance with FAR 52–215–3(b), responses to this notice are not offers and cannot be accepted by the Government to form a binding contract. Additionally, the U.S. Government will not pay for response preparation or for the use of any information contained in the response.

To inform the Federal government's decision-making process, RBCS now seeks public input on the following questions.

1. The Agricultural Improvement Act of 2018 (2018 Farm Bill) added food safety and food safety equipment as eligible use of program funds. RBCS is seeking feedback on applicant eligibility requirements as it relates to food safety and food safety equipment.

a. The 2018 Farm Bill requires food safety to be an eligible activity in 7 CFR part 4284 Subpart J. In defining food safety, what can be included in the definition to further assist the applicants with understanding what qualifies as food safety?

b. The 2018 Farm Bill requires food safety equipment to be an eligible expense in 7 CFR part 4284 Subpart J. What can be included in the definition of food safety equipment to further assist the applicants with understanding what qualifies as food safety equipment?

c. The 2018 Farm Bill allows expenses relating to costs incurred in obtaining food safety certifications. Given that eligible cost must be related to post-harvest value-added activities for the VAPG program, what type of food safety certifications should be included as eligible expenses?

d. The 2018 Farm Bill allows for recipients to make changes and upgrades to food safety practices. Given that eligible costs for the VAPG program must be related to post-harvest value-added food safety practices, what would you like to see as eligible uses of funds?

e. The 2018 Farm Bill further states that a recipient may use not more than $6,500 of the amount of a grant to purchase or upgrade equipment to improve food safety. Given that eligible cost for the VAPG program must be related to post-harvest value-added activities, what would you like to see included as eligible uses of funds as it relates to food safety equipment?

f. The 2018 Farm Bill requires that a reserve be established for food safety assistance of not more than 25 percent of the available funds. However, other statutory reserved fund categories (set-aside) such as Beginning Farmer or Rancher, Socially-Disadvantaged Farmer or Rancher, and Mid-Tier Value Chain projects are each currently capped at 10 percent of program funds. Are there any compelling reasons to establish a food safety set-aside higher than 10 percent?

2. RBCS is seeking feedback on the submission of a Business Plan related to a VAPG project. Currently, the VAPG program requires the Business Plan be completed by a Qualified Consultant and specifically for the proposed value-added project. However, RBCS has considered changing this requirement to allow applicants to prepare their own Business Plan associated with the value-added project without the assistance of a Qualified Consultant. Should an applicant be allowed to prepare their own Business Plan without the assistance of a Qualified Consultant? Are there any unforeseen issues with allowing the applicant to prepare their own Business Plan?

3. RBCS is seeking feedback for evaluating and measuring the economic impact of the program on new and existing market outcomes related to the post-harvest value-added activities. Currently our program measures the production of value-added products, job creation, and increases in revenue return and customer base to the producer as a result of the value-added project. Are there other outcomes related to the value-added project that RBCS should be measuring?

4. RBCS seeks feedback on when the application deadline for the program should be. It is our intention to have a consistent deadline from year to year, rather than released at variable times through a **Federal Register** Notice. In keeping with traditional agricultural production cycles, we are trying to avoid an application deadline during production season. What would be an appropriate application deadline date for the VAPG program?

Non-Discrimination Statement

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

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (*e.g.,* Braille, large print, audiotape, American Sign Language) should contact the responsible Mission Area, agency, or staff office; the USDA TARGET Center at (202) 720–2600 (voice and TTY); or the Federal Relay Service at (800) 877–8339.

To file a program discrimination complaint, a complainant should complete a Form AD–3027, *USDA Program Discrimination Complaint Form,* which can be obtained online at

https://www.ocio.usda.gov/document/ad-3027, from any USDA office, by calling (866) 632–9992, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD–3027 form or letter must be submitted to USDA by:

(1) *Mail:* U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue SW, Washington, DC 20250–9410; or

(2) *Fax:* (833) 256–1665 or (202) 690–7442; or

(3) *Email: program.intake@usda.gov.*

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Karama Neal,

Administrator, Rural Business-Cooperative Service.

[FR Doc. 2021–18136 Filed 8–23–21; 8:45 am]

BILLING CODE 3410–15–P

DEPARTMENT OF AGRICULTURE

Rural Business-Cooperative Service

[Docket No. RBS–21–BUSINESS–0013]

Stakeholder Listening Sessions and Request for Information on the Agriculture Innovation Center Demonstration Program

AGENCY: Rural Business-Cooperative Service, Department of Agriculture (USDA).

ACTION: Request for information.

SUMMARY: The Rural Business-Cooperative Service (RBCS) is hosting a listening session and opening a request for information for public input about the Agriculture Innovation Center Demonstration (AIC) Program. The AIC program provides grants to Centers that provide services to agricultural producers to assist them with marketing value-added agricultural products. RBCS is currently considering how it can streamline the application process, clarify eligibility requirements and reduce the burden for meeting them, revise the merit review process, and assess the program's performance.

DATES: The listening session will be held virtually on: October 5 at 2 p.m.–4:00 p.m. ET; *https://attendee.gotowebinar.com/register/3831947973149428235.*

Comments must be submitted by 11:59 p.m. Eastern Standard Time (EST) on *https://www.regulations.gov.*

ADDRESSES: *Federal eRulemaking Portal:* Go to *https://www.regulations.gov* and, in the ''Search'' box, type in the Docket No. RBS–21–BUSINESS–0013. A link to the Notice will appear. You may submit a comment here by selecting the ''Comment'' button or you can access the ''Docket'' tab, select the ''Notice,'' and go to the ''Browse & Comment on Documents'' Tab. Here you may view comments that have been submitted as well as submit a comment. To submit a comment, select the ''comment'' button, complete the required information, and select the ''Submit Comment'' button at the bottom. Information on using *Regulations.gov,* including instructions for accessing documents, submitting comments, and viewing the docket after the close of the comment period, is available through the site's ''FAQ'' link at the bottom. Comments on this information collection must be received by October 25, 2021.

FOR FURTHER INFORMATION CONTACT: Gail Thuner, Grants Division, Cooperative Programs, Rural Business-Cooperative Service, United States Department of Agriculture, 1400 Independence Avenue SW, MS 3201, Room 5803—South, Washington, DC 20250–3250, or call 202–720–1400, or email *cpgrants@wdc.usda.gov.*

SUPPLEMENTARY INFORMATION:

Overview of AIC

The AIC Program was authorized in Section 6402 of the 2002 Farm Bill (Pub. L. 107–171), as amended by Section 7608 of the 2018 Farm Bill (Pub. L. 115–334). Terms you need to understand are defined in 7 CFR 4284.3 and 4284.1004. The intent of AIC is to provide technical assistance to agricultural producers to help them market value-added agricultural products.

The program currently awards grants of up to $1,000,000 to Centers that can provide at least one-third of the project costs in matching funds and who have the capability to provide services to agricultural producers to assist them with marketing value-added agricultural products. The types of services that can be provided include:

- Financial advisory services related to the development, expansion, or operation of business owned by an agricultural producer(s) that will produce a value-added agricultural product, as long as the assistance is not to support forming a joint marketing effort by a group of producers, such as a farmers market, roadside stand, community-supported agriculture, and online sales
- Process development services, including:
  - Engineering services including scale-up of production systems (not to include cost of renovating or constructing a facility or system)
  - Scale production assessments, defined as studies that analyze facilities, including processing facilities, for potential value-added activities to determine the size that optimizes construction and other cost efficiencies
  - Systems development
  - Other technical assistance and applied research related to development, implementation, improvement and operations of processes and systems to produce and market a value-added agricultural product
- Organizational assistance, including legal and technical advisory services related to the development, expansion, or operation of a business owned by an agricultural producer(s) that will produce a value-added agricultural product, as long as this assistance is not provided to support forming a joint marketing effort of food and food products by a group of producers, such as a farmers market, roadside stand, community-supported agriculture, and online sales
- Outreach assistance, limited to assistance with connecting an agricultural producer to a distribution system, processing facility, or commercial kitchen
- Technical assistance for product development (excluding R&D), where product development has the following definition: Stages involved in bringing a product from idea or concept through commercial-scale production, including concept testing, feasibility and cost analysis, product taste-testing, demographic and other types of consumer analysis, production analysis, and evaluation of packaging and labeling options
- Grants of $5,000 or less to agricultural producers for the above services
- Costs associated with establishing and operating a Center, such as legal services, accounting services, clerical assistance, technical services, hiring employees, monitoring contracts, and Board of Director travel

Centers may also use their matching funds to provide the following services:

- Business development services, such as feasibility studies, business plans, and other types of technical assistance

and applied research that support business development, including support to forming a joint marketing effort by a group of producers, such as a farmers market, roadside stand, community-supported agriculture, and online sales

- Market development and outreach services, such as marketing plans, branding, and customer identification including support to forming a joint marketing effort by a group of producers, such as a farmers market, roadside stand, community-supported agriculture, and online sales

Grants may be made to local governments, State governments, Federally-Recognized Tribes, institutions of higher education, nonprofit corporations, and for-profit corporations. Individuals are not eligible to apply. Note that applicant organizations must be prepared to act as Centers to provide Producer Services. Grant awards are not made directly to businesses or agricultural producers to market value-added products.

This notice and listening session requests information on RBCS' plan to consider ways to streamline the application process, clarify eligibility requirements and reduce the burden for meeting them, revise the merit review process, and assess program performance. The public input provided in response to this notice from interested stakeholders will advise RBCS on this plan.

Instructions

Response to this notice is voluntary. Each individual or institution is requested to submit only one response as directed in the **ADDRESSES** section of this notice. Submissions must not exceed 10 pages and fonts must be 12 point or larger, with a page number provided on each page. Responses should include the name of the person(s) or organization(s) filing the comment. Comments containing references, studies, research, and other empirical data that are not widely published should include copies or electronic links of the referenced materials. Comments containing profanity, vulgarity, threats, or other inappropriate language or content will not be considered. Comments submitted in response to this notice are subject to disclosure under the Freedom of Information Act (FOIA) (5 U.S.C. 552). Responses to this notice may also be posted, without change, on a Federal website.

Therefore, we request that no business proprietary information, copyrighted information, or personally identifiable information be submitted in response to this notice. In accordance with FAR 52–215–3(b) responses to this notice are not offers and cannot be accepted by the Government to form a binding contract. Additionally, the U.S. Government will not pay for response preparation or for the use of any information contained in the response.

To inform the Federal government's decision-making process, RBCS now seeks public input on the following questions:

1. RBCS is seeking feedback on the definitions needed to assist applicants and recipients with understanding program requirements.

a. Are there any additional terms that we could define to improve applicant and/or recipient understanding of the program requirements?

b. Applicants are required to demonstrate that the Center's Board of Directors has representatives from the two general agricultural organizations in the State with the greatest number of members. How should we define a general agricultural organization?

c. Applicants are required to demonstrate that the Center's Board of Directors has representatives from four entities representing commodities. How should we define these types of organizations?

d. Product development is not identified in the authorizing statute for the program as an eligible use of funds. However, RBCS has previously determined that many components of product development are allowable because those components are related to the types of services that are eligible for the program. If RBCS continues to allow product development as an eligible use of funds, how should we define it?

2. RBCS is seeking feedback on how applicants can demonstrate that they meet the eligibility requirements for the program. Most of the requirements listed below are statutory, so they cannot be changed, but we can consider alternatives to how and when we ask applicants to demonstrate that they meet them.

a. The authorizing statute requires that eligible applicants have provided Producer Services. How can applicants demonstrate that they meet this requirement? How many years of experience are appropriate to show that an organization has experience in providing Producer Services? Note that Producer Services is currently defined at 7 CFR 4284.1004.

b. The authorizing statute for the program requires that applicants that do not have experience in providing Producer Services demonstrate their capability to provide Producer Services. How can these applicants demonstrate their capability?

c. The authorizing statute requires that an eligible applicant outlines the support for the entity in the agricultural community. How can applicants demonstrate that they meet this requirement?

d. The authorizing statute requires that an eligible applicant outlines a plan that describes the technical and other expertise of the entity. How do you think this technical and other expertise is different from demonstrating experience in providing Producer Services or the capability to provide Producer Services? How can applicants demonstrate that they meet this requirement?

e. All types of organizations are eligible to apply for the AIC program. However, these organizations still need to demonstrate that they are legal entities that are authorized to receive an award. How can applicants demonstrate that they meet this requirement?

f. The authorizing statute requires that a Center has a Board of Directors that includes representatives from the following organizations:

- General agricultural organizations with the greatest and second greatest number of members in the State in which the eligible entity is located;
- The department of agriculture, or similar State department or agency or a State legislator, of the State in which the eligible entity is located; and
- Four entities representing commodities produced in the State. How can applicants demonstrate that they meet this requirement?

g. The authorizing statute requires that the Center has its own Board of Directors. What should the role of the Board of Directors be?

h. The program has previously required applicants to provide certain financial information, such as financial statements and audits, so that RBCS could assess the applicant's financial capability to administer the funds as well as meet the requirement established by 2 CFR 200.206 to conduct a risk evaluation. What criteria, information, or threshold should RBCS consider when assessing the financial capabilities of an applicant?

3. RBCS is seeking feedback on project eligibility requirements. Some of these requirements are statutory, while others are targeted toward improving the project's chances of success.

a. The statute does not define a minimum or maximum period of performance. Based on previous experiences with recipients, RBCS has discovered that first-time recipients need much more than a one-year period

of performance for the first award and set the period of performance at two years to allow these recipients the time needed to establish their Centers. What should the period of performance be for first-time recipients? What should it be for recipients that have established Centers?

b. The statute establishes a maximum award of $1,000,000, but it does not establish a minimum award. In the previous year, RBCS set a minimum award size of $500,000, with the expectation that all recipients would have funding for a two-year period of performance. Given a two-year period of performance, what should the minimum award be? What should the minimum award be if the period of performance is only one year?

c. The authorizing statute requires applications to include goals for increasing and improving the ability of *local* agricultural producers to develop markets and processes for value-added agricultural products. Note that the Value-Added Producer Grant Program currently defines a Locally-Produced Agricultural Food Product in 7 CFR 4284.902. Should the AIC program be consistent with this definition with respect to considering the service area of Centers? If not, what should be considered local for AIC Centers? Should all project funds be required to be spent on assistance to local agricultural producers? If not, what percentage or share of the project should be dedicated to local producers versus producers that are not local?

4. RBCS seeks feedback on the types of services that Centers can provide. The current regulation restricts the use of funds to the types of assistance defined as Producer Services (see 7 CFR 4284.1004). Producer Services include assistance such as business development services, process development services (*e.g.,* engineering studies and scale production assessments), marketing assistance, product development, financial advisory services, and legal advisory services. We do have a small amount of discretion to expand this definition to include related types of assistance. What types of assistance should be provided by Centers to agricultural producers? Note that all assistance provided must be for the purpose of helping the producer market a value-added agricultural product. Assistance cannot be provided to other types of entities, such as retailers, distributors, processors, or customers.

5. RBCS seeks feedback on when the application deadline for the program should be. It is our intention to have a consistent deadline from year to year. This deadline must be set to allow sufficient time for processing applications in order to make awards prior to September 30 each year. If application requirements are streamlined or less burdensome, the burden on applicants selected for an award may increase because supporting documentation will be supplied at the award stage rather than the application stage. This approach would result in less time processing applications but more time processing awards.

6. RBCS is seeking feedback on the merit review process. The authorizing statute does not identify any criteria that RBCS must use as part of its merit review process. However, the statute does require a competitive process, and 2 CFR 200.205 also requires a merit review. What criteria should RBCS use to identify projects that best fit the purpose of the program and have the greatest chance of success? Should these criteria be objective, subjective, or a mix of both? What type of reviewers should RBCS use to evaluate the merit of proposed projects? Should the RBCS Administrator have discretion to award additional points based on geography, Agency priorities, or other factors?

7. RBCS is seeking feedback on the award process. The authorizing statute requires an annual competitive process to make awards. However, we are exploring options to minimize the burden of running a nationwide competition every year, given the limited number of awards that we can make as well as the larger scope of the projects funded. These options include, but are not limited to, multi-year periods of performance, renewals for recipients that are performing satisfactorily, and competitions limited to existing recipients. Would the use of any of these options (or alternatives) reduce the burden for the program, streamline the application process, or improve the success of the program?

8. RBCS is seeking feedback on how the program's performance should be assessed. As stated above, the purpose of the program is to provide services to agricultural producers to assist them with marketing value-added agricultural products. The required goals of recipients must include increasing and improving the ability of local agricultural producers to develop markets and processes for value-added agricultural products. Given this purpose and these goals, what performance measures should be established for the program? How should they be measured?

Non-Discrimination Statement

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

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (*e.g.,* Braille, large print, audiotape, American Sign Language) should contact the responsible Mission Area, agency, or staff office; the USDA TARGET Center at (202) 720–2600 (voice and TTY); or the Federal Relay Service at (800) 877–8339.

To file a program discrimination complaint, a complainant should complete a Form AD–3027, *USDA Program Discrimination Complaint Form,* which can be obtained online at *https://www.ocio.usda.gov/document/ad-3027,* from any USDA office, by calling (866) 632–9992, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD–3027 form or letter must be submitted to USDA by:

(1) *Mail:* U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue SW, Washington, DC 20250–9410; or

(2) *Fax:* (833) 256–1665 or (202) 690–7442; or

(3) *Email: program.intake@usda.gov*.

Karama Neal,

Administrator, Rural Business-Cooperative Service.

[FR Doc. 2021–18134 Filed 8–23–21; 8:45 am]

BILLING CODE 3410–15–P

DEPARTMENT OF AGRICULTURE

Rural Business-Cooperative Service

[Docket No. RBS–21–CO–OP–0020]

Stakeholder Listening Session and Request for Information on the Rural Cooperative Development Grant Program

AGENCY: Rural Business-Cooperative Service, USDA.

ACTION: Request for information.

SUMMARY: The Rural Business-Cooperative Service (RBCS) is hosting a listening session and opening a request for information for public input about the Rural Cooperative Development Grant (RCDG) program. The RCDG program provides financial assistance to nonprofit corporations and/or institutions of higher education to start or expand cooperative development centers that provide technical and business development assistance to individuals and businesses to start, expand, or improve cooperatives and other mutually owned businesses. RBCS is currently considering how it can streamline application requirements, establish a multiyear award process, and provide more relevant performance metrics for the program.

DATES: The listening session will be held virtually on:

September 16, 2021, at 2:00 p.m.–4:00 p.m. ET
https://attendee.gotowebinar.com/register/2283339721495353867

Comments must be submitted by 11:59 p.m. Eastern Standard Time (EST) on *https://www.regulations.gov.*

ADDRESSES: Federal eRulemaking Portal: Go to *https://www.regulations.gov* and, in the ''Search'' box, type in the Docket No. RBS–21–CO–OP–0020. A link to the Notice will appear. You may submit a comment here by selecting the ''Comment'' button or you can access the ''Docket'' tab, select the ''Notice,'' and go to the ''Browse & Comment on Documents'' Tab. Here you may view comments that have been submitted as well as submit a comment. To submit a comment, select the ''comment'' button, complete the required information, and select the ''Submit Comment'' button at the bottom. Information on using *Regulations.gov*, including instructions for accessing documents, submitting comments, and viewing the docket after the close of the comment period, is available through the site's ''FAQ'' link at the bottom. Comments on this information collection must be received by October 25, 2021.

FOR FURTHER INFORMATION CONTACT: Natalie Melton, Program Management Division, Cooperative Programs, Rural Business-Cooperative Service, United States Department of Agriculture, Rural Development, STOP 3250, 1400 Independence Avenue SW, Washington, DC 20250–3250, telephone (202) 720–1400, or email *cpgrants@usda.gov.*

Persons with disabilities who require alternative means for communication (Braille, large print, audio tape, etc.) should contact the USDA Target Center at (202) 720–2600 or (844) 433–2774 (toll-free nationwide).

SUPPLEMENTARY INFORMATION:

Overview of RCDG

The RCDG program is authorized under section 310B(e) of the Consolidated Farm and Rural Development Act (Con Act) (7 U.S.C. 1932 (e)) as amended by the Agriculture Improvement Act of 2018 (Pub. L. 115–334). The 7 CFR part 4284, subparts A and F are the regulations that govern this program. Terms you need to understand are defined in 7 CFR 4284.504. The primary objective of the RCDG program is to improve the economic condition of rural areas through cooperative development. Grants are awarded on a competitive basis to non-profit corporations or higher education institutions. Grant funds may be used to pay for up to 75 percent of the cost of establishing and operating centers for rural cooperative development and 95 percent of the cost of establishing and operating centers for rural cooperative development when the applicant is a 1994 Institution as defined by 7 U.S.C. 301. The 1994 Institutions are commonly known as Tribal Land Grant Institutions. Centers may have the expertise on staff, or they can contract out for the expertise to assist individuals or entities in the startup, expansion or operational improvement of rural cooperative or mutually owned businesses.

This notice and listening session request information on RBCS's plan to consider ways streamline the application requirements, establish a multiyear award process, update performance metrics and assess program performance. The public input provided in response to this notice from interested stakeholders will advise RBCS on this plan.

Instructions

Response to this notice is voluntary. Each individual or institution is requested to submit only one response as directed in the **ADDRESSES** section of this notice. Submission must not exceed 10 pages and fonts must be 12 point or larger, with a page number on each page. Responses should include the name of the person(s) or organization(s) filing the comment. Comments containing references, studies, research, and other empirical data that are not widely published should include copies or electronic links of the referenced materials. Comments containing profanity, vulgarity, threats, or other inappropriate language or content will not be considered. Comments submitted in response to this notice are subject to disclosure under the Freedom of Information Act (FOIA) (5 U.S.C. 552). Responses to this notice may also be posted, without change, on a Federal website.

Therefore, we request that no business proprietary information, copyrighted information, or personally identifiable information be submitted in response to this notice. In accordance with FAR 52–215–3(b), responses to this notice are not offers and cannot be accepted by the Government to form a binding contract. Additionally, the U.S. Government will not pay for response preparation or for the use of any information contained in the response.

To inform the Federal government's decision-making, RBCS now seeks public input on the following questions.

1. The authorizing statute prioritizes applications that can demonstrate a proven track record in carrying out activities to promote and assist the development of cooperatively and mutually owned businesses. How can applicants demonstrate they have a proven track record?

2. The authorizing statute prioritizes applications that can demonstrate expertise in providing technical assistance in rural areas. What criteria or factors should the Agency use to determine expertise and experience of the Center in promoting and assisting the development of cooperatives and mutually owned businesses? How many years of experience are appropriate to show that an organization has experience in providing cooperative development technical assistance in rural areas?

3. The authorizing statute prioritizes applications that demonstrate how they can improve economic conditions through new cooperative approaches. How do you interpret the language ''new cooperative approach''? What makes a cooperative approach new?

4. The authorizing statute prioritizes applications that demonstrate commitment to providing technical assistance and other services to underserved and economically distressed areas. Developing cooperatives among low resource and

underserved groups requires creative approaches to meeting time and capacity restraints. Incubating co-ops, implementing build and recruit methods, and developing a cooperative franchise are all examples of innovative approaches. How can these approaches be structured to clarify members' responsibilities versus the co-op development center's responsibility?

5. The authorizing statute prioritizes applications that network with and share the results of their center with other cooperative centers and organizations involved in rural economic development. What suggestions do you have for documenting the results of networking with other cooperative development centers and organizations involved in rural economic development efforts?

6. The authorizing statute prioritizes applications that include multistate and multiorganization approaches to rural economic development. What suggestions do you have for documenting these approaches?

7. The authorizing statute requires applicants to take all practicable steps to develop continuing sources of financial support, particularly from private sector sources to support the sustainability of a center. How should an applicant demonstrate this requirement? What criteria or factors should the Agency use to determine sustainability of a center? How would the Agency verify this information beyond written application narration?

8. The authorizing statute permits the Agency to make multiyear awards, up to a 3-year period of performance for centers that have been previously awarded under this program and have a successful record of performance. What criteria or factors should the Agency focus on in determining eligibility for applicants proposing multiyear awards?

9. RBCS is seeking feedback on how the program's performance should be assessed. As stated above, the purpose of the program is to improve the economic conditions of rural areas through cooperative development. The required goals of recipients must include facilitating the creation of jobs in rural areas through the development of new rural cooperatives, value-added processing, and other rural businesses. Given this purpose and these goals, what performance measures should be established for the program? How should they be measured?

10. RBCS is seeking feedback on how an applicant can demonstrate the successful establishment of a cooperative or mutually owned business given the varying state incorporation laws. What documentation should the Agency request to demonstrate establishment?

11. RBCS is seeking feedback on how applicants can document previous expertise when the outcome was no incorporation of a cooperative or mutually owned business. Applicants are required to discuss their cooperative development expertise when making an application to the Agency. This information is used as part of the merit-based scoring process. Experience has shown that not all cooperative development efforts result in the incorporation of a new cooperative; in fact, with some projects the most prudent advice is not to proceed. How should ''no-go'' cooperative development technical assistance efforts be recognized by the Agency and documented by the applicant to show previous cooperative development expertise?

12. RBCS seeks feedback on when the application deadline for the program should be. It is our intention to have a consistent deadline from year to year, rather than released at variable times through a **Federal Register** Notice. We also must allow sufficient time for processing applications in order to make awards and obligate funds prior to September 30 each year.

Non-Discrimination Statement

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

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (*e.g.,* Braille, large print, audiotape, American Sign Language) should contact the responsible Mission Area, agency, or staff office; the USDA TARGET Center at (202) 720–2600 (voice and TTY); or the Federal Relay Service at (800) 877–8339.

To file a program discrimination complaint, a complainant should complete a Form AD–3027, *USDA Program Discrimination Complaint Form,* which can be obtained online at *https://www.ocio.usda.gov/document/ad-3027,* from any USDA office, by calling (866) 632–9992, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD–3027 form or letter must be submitted to USDA by:

(1) *Mail:* U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue SW, Washington, DC 20250–9410; or

(2) *Fax:* (833) 256–1665 or (202) 690–7442; or

(3) *Email: program.intake@usda.gov.*

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

Karama Neal,

Administrator, Rural Business-Cooperative Service.

[FR Doc. 2021–18135 Filed 8–23–21; 8:45 am]

BILLING CODE 3410–15–P

COMMISSION ON CIVIL RIGHTS

Sunshine Act Meetings

AGENCY: United States Commission on Civil Rights.

ACTION: Notice of commission public business meeting.

DATES: Friday, August 20, 2021, 12 p.m. EST.

ADDRESSES: Meeting to take place by telephone and is open to the public by telephone: 1–800–635–7637, Conference ID #: 8000136.

FOR FURTHER INFORMATION CONTACT: Angelia Rorison: 202–376–7700; *publicaffairs@usccr.gov*.

SUPPLEMENTARY INFORMATION: In accordance with the Government in Sunshine Act (5 U.S.C. 552b), the Commission on Civil Rights is holding a meeting to discuss the Commission's business for the month of August. This meeting is open to the public. Computer assisted real-time transcription (CART) will be provided. The web link to access CART (in English) on Friday, August 20, 2021, is *https://www.streamtext.net/player?event=USCCR.* Please note that CART is text-only translation that occurs in real time during the meeting and is not an exact transcript.

Meeting Agenda

I. Approval of Agenda
II. Business Meeting
- A. Presentations from Advisory Committees to the Commission on Recent Reports/Memo Releases
- B. Discussion and Vote on Iowa Advisory Committee Chair Appointment
- C. Discussion and Vote on Advisory Committee Appointments
- D. Discussion and Vote on the Release of The Civil Rights Implications of Cash Bail: Briefing Report Before the U.S. Commission on Civil Rights
- E. Management and Operations
- Staff Director's Report

III. Adjourn Meeting

Dated: August 19, 2021.

Angelia Rorison,

USCCR Media and Communications Director.

[FR Doc. 2021–18261 Filed 8–20–21; 11:15 am]

BILLING CODE 6335–01–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the North Dakota Advisory Committee

AGENCY: Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission), and the Federal Advisory Committee Act (FACA), that a meeting of the North Dakota Advisory Committee to the Commission will convene by conference call on Thursday, September 2, 2021, at 10:00 a.m. (CT). The purpose is to hold a press conference to release the committee's fair housing report.

DATES: Thursday, September 2, 2021, at 10:00 a.m. (CT)

ADDRESSES:

Public WebEx Conference Registration Link (video and audio): https://bit.ly/2UrLF5P; password (if necessary): USCCR–ND.

To Join by Phone Only: Dial 1–800–360–9505; Access code: 199 656 8229

FOR FURTHER INFORMATION CONTACT: Evelyn Bohor at *ero@usccr.gov* or by phone at 202–921–2212.

SUPPLEMENTARY INFORMATION: This meeting is available to the public through the WebEx link above. If joining only via phone, callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Individuals who are deaf, deafblind and hard of hearing may also follow the proceedings by first calling the Federal Relay Service at 1–800–877–8339 and providing the Service with the call-in number found through registering at the web link provided above for the meeting.

Members of the public are entitled to make comments during the open period at the end of the meeting. Members of the public may also submit written comments; the comments must be received in the Regional Programs Unit within 30 days following the respective meeting. Written comments may be emailed to Barbara Delaviez at *ero@usccr.gov.* All written comments received will be available to the public.

Persons who desire additional information may contact the Regional Programs Unit at (202) 809–9618. Records and documents discussed during the meeting will be available for public viewing as they become available at the *www.facadatabase.gov.* Persons interested in the work of this advisory committee are advised to go to the Commission's website, *www.usccr.gov,* or to contact the Regional Programs Unit at the above phone number or email address.

Agenda: Thursday, September 2, 2021; 10:00 a.m. (CT)

1. Press Conference to Release Fair Housing Report
2. Chair Remarks/Question and Answer
3. Adjourn

Dated: August 18, 2021.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2021–18124 Filed 8–23–21; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Office of the Secretary

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; The Standardized Research Performance Progress Report (RPPR)

AGENCY: Office of the Secretary, Commerce.

ACTION: Notice of information collection, request for comment.

SUMMARY: The Department of Commerce, in accordance with the Paperwork Reduction Act (PRA) of 1995, invites the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. The purpose of this notice is to allow for 60 days of public comment on the proposed extension of the standardized Research Performance Progress Report (RPPR), prior to the submission of the information collection request (ICR) to OMB for approval.

DATES: To ensure consideration, comments regarding this proposed information collection must be received on or before October 25, 2021.

ADDRESSES: Interested persons are invited to submit written comments by email to *PRAcomments@doc.gov.* Please reference the Research Performance Progress Report (RPPR) or the OMB Control Number 0690–0032 in the subject line of your comments. All comments received are part of the public record. No comments will be posted to *http://www.regulations.gov* for public viewing until after the comment period has closed. Comments will generally be posted without change. All Personally Identifiable Information (for example, name and address) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information. You may submit attachments to electronic comments in Microsoft Word, Excel, or Adobe PDF file formats.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or specific questions related to collection activities should be directed to Sheleen Dumas, Department PRA Clearance Officer, Office of the Chief Information Officer, U.S. Department of Commerce, 202–482–3306, *PRAcomments@doc.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

The Department of Commerce plans to request a three-year extension of the Research Performance Progress Report (RPPR). This Research Performance Progress Report (RPPR) directly benefits award recipients by making it easier for them to administer Federal grant and cooperative agreement programs through standardization of the types of information required in performance reports—thereby reducing their administrative effort and costs. The RPPR also makes it easier to compare the outputs, outcomes, etc. of research programs across the government.

The RPPR resulted from an initiative of the Research Business Models (RBM) Subcommittee of the Committee on Science (CoS), a committee of the National Science and Technology Council (NSTC). One of the RBM Subcommittee's priority areas is to create greater consistency in the administration of Federal research

awards. Given the increasing complexity of interdisciplinary and interagency research, it is important for Federal agencies to manage awards in a similar fashion. The RPPR is used by agencies that support research and research-related activities for use in submission of progress reports. It is intended to replace other performance reporting formats currently in use by agencies. The RPPR does not change the performance reporting requirements specified in 2 CFR part 215 (OMB Circular A–110) and the Common Rule implementing OMB Circular A–102. Each category in the RPPR is a separate reporting component. Agencies will direct recipients to report on the one mandatory component (''Accomplishments''), and may direct them to report on optional components, as appropriate. Within a particular component, agencies may direct recipients to complete only specific questions, as not all questions within a given component may be relevant to all agencies. Agencies may develop an agency- or program-specific component, if necessary, to meet programmatic requirements, although agencies should minimize the degree to which they supplement the standard components. Such agency- or program specific requirements will require review and clearance by OMB.

III. Data

OMB Control Number: 0690–0032.

Form Number(s): None.

Type of Review: Regular submission, Request for an Extension (without change of a currently approved collection).

Affected Public: State and Local governments.

Estimated Number of Respondents: 19,998.

Estimated Time per Response: 8 minutes for monthly respondents who report via internet, mail or faxing the form, 23 minutes for annual respondents who report via internet, mail or faxing the form and 3 minutes for monthly and annual respondents who report by telephone or send electronic files or printouts.

Estimated Total Annual Burden Hours: 17,625.

Estimated Total Annual Cost to Public: $0. (This is not the cost of respondents' time, but the indirect costs respondents may incur for such things as purchases of specialized software or hardware needed to report, or expenditures for accounting or records maintenance services required specifically by the collection.)

Respondent's Obligation: Voluntary.

Legal Authority: Title 13 U.S.C. 131 and 182.

IV. Request for Comments

We are soliciting public comments to permit the Department/Bureau to: (a) Evaluate whether the proposed information collection is necessary for the proper functions of the Department, including whether the information will have practical utility; (b) Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used; (c) Evaluate ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include, or summarize, each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.

[FR Doc. 2021–18163 Filed 8–23–21; 8:45 am]

BILLING CODE 3510–17–P

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Services Surveys: BE–9, Quarterly Survey of Foreign Airline Operators' Revenues and Expenses in the United States

AGENCY: Bureau of Economic Analysis, 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 October 25, 2021.

ADDRESSES: Interested persons are invited to submit written comments to Christopher Stein, Chief, Services Surveys Branch, Bureau of Economic Analysis, by email to *christopher.stein@bea.gov* or *PRAcomments@doc.gov.* Please reference OMB Control Number 0608–0068 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 Christopher Stein, Chief, Services Surveys Branch, Bureau of Economic Analysis, 301–278–9189, or via email to *christopher.stein@bea.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

The Quarterly Survey of Foreign Airline Operators' Revenues and Expenses in the United States (BE–9) collects data from U.S. offices, agents, or other representatives of foreign airline operators that transport passengers or freight and express to or from the United States. A U.S. office, agent, or other representative of a foreign airline operator must report if total covered revenues or total covered expenses were $5 million or more in the previous year or are expected to be $5 million or more during the current year.

The data are needed to monitor trade in transport services, to analyze the impact of U.S. trade on the U.S. and foreign economies, to compile and improve the U.S. economic accounts, to support U.S. commercial policy on trade in transport services, to conduct trade promotion, and to improve the ability of U.S. businesses to identify and evaluate market opportunities. The data are used in estimating the transport services component of the U.S. international transactions accounts (ITAs) and national income and product accounts (NIPAs).

The Bureau of Economic Analysis (BEA) is proposing modifications to the information collected on the BE–9 survey, and a change to the survey due

date, beginning with the reporting period for first quarter 2022. The proposed modifications to the BE–9 survey would eliminate the collection of certain items not currently needed to estimate international transactions in air transportation services and introduce new items that will increase the quality and usefulness of BEA's statistics on trade in transport services.

BEA proposes to eliminate the collection of several items on the BE–9 survey: (1) Freight revenue on merchandise exported from, and imported to, the United States; (2) shipping weights on which freight revenues reported were earned, and (3) revenues from transporting passengers to or from the United States. BEA proposes to eliminate these items because the information collected is not currently used to estimate international transactions in air transportation services and is not expected to be needed in the future.

BEA proposes to collect three additional foreign airline identification elements on the BE–9 survey: (1) The foreign airline's country of residency, (2) the foreign airline's International Air Transport Association (IATA) code, and (3) the International Civil Aviation Organization (ICAO) code. These elements will enable BEA to match information reported on the BE–9 with supplemental information received from other government agencies and increase the quality and accuracy of BEA's statistics on trade in services.

Additionally, BEA proposes to add foreign airliners' in-flight sales revenue (total and by region) and expand the information collected on number of passengers to include the region. In-flight sales are revenues of the airline or a vendor for the purposes of consumption on the aircraft (food, drinks, Wi-Fi, pillows, etc.). The data will be used to close a gap in the ancillary fees component of air passenger transport. Collecting this information by region will allow BEA to produce more detailed statistics on trade in transport services because large differences exist across regions in per-passenger ancillary fee revenue, mostly corresponding to length of flight. BEA proposes to collect this item and number of passengers by region according to the three regional designations outlined by the U.S. Department of Transportation in 14 CFR 241.21(g)—Atlantic Ocean, Pacific Ocean, and Latin America. These designations group Canada within the domestic category. Although revenue and expenses for Canada must be included in all other items on this survey, Canada will be excluded from the items on in-flight sales revenue and number of passengers.

BEA also proposes to change the due date of the survey to 30 days after the close of each quarter from 45 days. Shortening the reporting timeline will allow BEA to produce more accurate and complete trade in transport services statistics in preliminary estimates of the ITAs, which is critical information for policymakers' timely decisions on international trade policy. The earlier due date will allow BEA to use more reported data for preliminary statistics, improving the accuracy of both the aggregates and the country detail, reducing revisions in subsequent statistical releases.

BEA estimates there will be no change in the average number of burden hours per response, which is currently estimated to be 6 hours. The language in the instructions and definitions will be reviewed and adjusted as necessary to clarify survey requirements.

II. Method of Collection

BEA contacts potential respondents by mail at the end of each quarter. Respondents would be required to file the completed BE–9 forms within 30 days after the end of each quarter. Reports would be required from U.S. offices, agents, or other representatives of foreign airline operators that transport passengers to or from the United States, whose total covered revenues or total covered expenses were $5 million or more during the previous year or are expected to exceed that amount during the current year. Entities required to report will be contacted individually by BEA. Entities not contacted by BEA have no reporting responsibilities.

BEA offers its electronic filing option, the eFile system, for use in reporting on Form BE–9. For more information about eFile, go to *www.bea.gov/efile.* In addition, BEA posts all its survey forms and reporting instructions on its website, *www.bea.gov/ssb.* These may be downloaded, completed, printed, and submitted via fax or mail.

III. Data

OMB Control Number: 0608–0068.

Form Number(s): BE–9.

Type of Review: Regular submission.

Affected Public: Foreign airline operators.

Estimated Number of Respondents: 500 annually (125 filed each quarter; 115 reporting mandatory data, and 10 that would file exemption claims or voluntary responses).

Estimated Time per Response: 6 hours is the average for those reporting data and one hour is the average for those filing an exemption claim. Hours may vary considerably among respondents because of differences in company size and complexity.

Estimated Total Annual Burden Hours: 2,800.

Estimated Total Annual Cost to Public: $0.

Respondent's Obligation: Mandatory.

Legal Authority: International Investment and Trade in Services Survey Act (Pub. L. 94–472, 22 U.S.C. 3101–3108, as amended).

IV. Request for Comments

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 will have practical utility; (b) the accuracy of the Agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

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. 2021–18160 Filed 8–23–21; 8:45 am]

BILLING CODE 3510–06–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–59–2021]

Foreign-Trade Zone (FTZ) 104—Savannah, Georgia, Notification of Proposed Production Activity, Savannah Yacht Center Inc. (Repair of Yachts, Sailboats, and Boat Tenders), Savannah, Georgia

Savannah Yacht Center Inc. (SYC) submitted a notification of proposed production activity to the FTZ Board for its facility in Savannah, Georgia. The notification conforming to the requirements of the regulations of the FTZ Board (15 CFR 400.22) was received on August 17, 2021.

The SYC facility is located within Subzone 104J. The facility will be used for repair and related activities involving yachts, sailboats, and boat tenders. 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 SYC 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, SYC would be able to choose the duty rates during customs entry procedures that apply to yachts, sailboats, and boat tenders (duty rate ranges from 1.0% to 2.4%). SYC 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 may include diesel marine propulsion engines, components for marine propulsion engines (engine mounts; seal kits; thermostats; engine controls; electrical control boxes), and various pumps (lubricating oil; fresh water system) (duty rate ranges from duty free to 2.5%). 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 October 4, 2021.

A copy of the notification will be available for public inspection in the ''Reading Room'' section of the Board's website, which is accessible via *www.trade.gov/ftz.*

For further information, contact Juanita Chen at *juanita.chen@trade.gov* or 202–482–1378.

Dated: August 18, 2021.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2021–18191 Filed 8–23–21; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–32–2021]

Foreign-Trade Zone (FTZ) 38—Charleston, South Carolina, Authorization of Production Activity, BMW Manufacturing Company, LLC (Passenger Motor Vehicles), Spartanburg, South Carolina

On April 21, 2021, BMW Manufacturing Company, LLC submitted a notification of proposed production activity to the FTZ Board for its facility within Subzone 38A, in Spartanburg, South 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 22932, April 30, 2021). On August 19, 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: August 19, 2021.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2021–18192 Filed 8–23–21; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–36–2021]

Foreign-Trade Zone (FTZ) 208—New London, Connecticut, Authorization of Production Activity, Sheffield Pharmaceuticals, LLC (Healthcare Products), New London and Norwich, Connecticut

On April 21, 2021, Sheffield Pharmaceuticals, LLC submitted a notification of proposed production activity to the FTZ Board for its facilities within Subzone 208B, in New London and Norwich, Connecticut.

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 24380, May 6, 2021). On August 19, 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: August 19, 2021.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2021–18193 Filed 8–23–21; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Regulations and Procedures Technical Advisory Committee; Notice of Partially Closed Meeting

The Regulations and Procedures Technical Advisory Committee will meet September 14, 2021, at 10:00 a.m., Eastern Daylight Time, via teleconference. The Committee advises the Office of the Assistant Secretary for Export Administration on implementation of the Export Administration Regulations (EAR) and provides for continuing review to update the EAR as needed.

Agenda

Public Session

1. Opening remarks by the Chairman
2. Opening remarks by the Bureau of Industry and Security
3. Presentation of papers or comments by the Public
4. Regulations Update
5. Working Group Reports
6. Automated Export System Update

Closed Session

7. Discussion of matters determined to be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 10(a)(1) and 10(a)(3).

The open session will be accessible via teleconference to participants on a first come, first serve basis. To join the conference, submit inquiries to Ms. Yvette Springer at *Yvette.Springer@bis.doc.gov,* no later than September 7, 2021.

To the extent that time permits, members of the public may present oral statements to the Committee. The public may submit written statements at any time before or after the meeting. However, to facilitate the distribution of public presentation materials to the Committee members, the Committee suggests that presenters forward the public presentation materials prior to the meeting to Ms. Springer via email.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on May 14, 2021, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. app. 2 10(d)), that the portion of the meeting dealing with pre-decisional changes to the Commerce Control List and the U.S. export control policies shall be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 10(a)(1) and 10(a)(3). The remaining portions of the meeting will be open to the public.

For more information, call Yvette Springer at (202) 482–2813.

Yvette Springer,

Committee Liaison Officer.

[FR Doc. 2021–18147 Filed 8–23–21; 8:45 am]

BILLING CODE 3510–JT–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Materials and Equipment Technical Advisory Committee; Notice of Partially Closed Meeting

The Materials and Equipment Technical Advisory Committee will meet on September 9, 2021, 10:00 a.m., Eastern Daylight Time, via teleconference. The Committee advises the Office of the Assistant Secretary for Export Administration with respect to technical questions that affect the level of export controls applicable to materials and related technology.

Agenda

Open Session

1. Opening Remarks and Introduction by BIS Senior Management.
2. Report from working groups.
3. Report by regime representatives.

Closed Session

4. Discussion of matters determined to be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 §§ 10 (a)(1) and 10 (a)(3).

The open session will be accessible via teleconference on a first come, first serve basis. To join the conference, submit inquiries to Ms. Yvette Springer at *Yvette.Springer@bis.doc.gov,* no later than September 2, 2021.

To the extent time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting. However, to facilitate distribution of public presentation materials to Committee members, the materials should be forwarded prior to the meeting to Ms. Springer via email.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on February 9, 2021, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. app. 2 § 10(d)), that the portion of the meeting dealing with pre-decisional changes to the Commerce Control List and the U.S. export control policies shall be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 § § 10(a)(1) and 10(a)(3). The remaining portions of the meeting will be open to the public. For more information, call Yvette Springer at (202) 482–2813.

Yvette Springer,

Committee Liaison Officer.

[FR Doc. 2021–18137 Filed 8–23–21; 8:45 am]

BILLING CODE 3510–JT–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Transportation and Related Equipment Technical Advisory Committee; Notice of Partially Closed Meeting

The Transportation and Related Equipment Technical Advisory Committee will meet on September 8, 2021, at 11:30 a.m., Eastern Daylight Time, via teleconference. The Committee advises the Office of the Assistant Secretary for Export Administration with respect to technical questions that affect the level of export controls applicable to transportation and related equipment or technology.

Agenda

Public Session

1. Welcome and Introductions.

2. Status reports by working group chairs.

3. Public comments and Proposals.

Closed Session

4. Discussion of matters determined to be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 §§ 10(a)(1) and 10(a)(3).

The open session will be accessible via teleconference to participants on a first come, first serve basis. To join the conference, submit inquiries to Ms. Yvette Springer at *Yvette.Springer@bis.doc.gov* no later than September 1, 2021.

To the extent time permits, members of the public may present oral statements to the Committee. The public may submit written statements at any time before or after the meeting. However, to facilitate distribution of public presentation materials to Committee members, the Committee suggests that presenters forward the public presentation materials prior to the meeting to Ms. Springer via email.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on February 9, 2021, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. app. 2 § (10)(d)), that the portion of the meeting dealing with pre-decisional changes to the Commerce Control List and U.S. export control policies shall be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 §§ 10(a)(1) and 10(a)(3). The remaining portions of the meeting will be open to the public.

For more information, call Yvette Springer at (202) 482–2813.

Yvette Springer,

Committee Liaison Officer.

[FR Doc. 2021–18139 Filed 8–23–21; 8:45 am]

BILLING CODE 3510–JT–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–821–832, C–274–809]

Urea Ammonium Nitrate Solutions From the Russian Federation and the Republic of Trinidad and Tobago: Postponement of Preliminary Determinations in the Countervailing Duty Investigations

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce

DATES: Applicable August 24, 2021.

FOR FURTHER INFORMATION CONTACT: Kristen Johnson and John Hoffner (the Russian Federation (Russia)) or Ariela Garvett (the Republic of Trinidad and Tobago (Trinidad and Tobago)), AD/CVD Operations, Offices III and IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–4793, (202) 482–3315, and (202) 482–3609, respectively.

SUPPLEMENTARY INFORMATION:

Background

On July 20, 2021, the Department of Commerce (Commerce) initiated countervailing duty (CVD) investigations of imports of urea ammonium nitrate solutions (UAN) from Russia and Trinidad and Tobago.[1] Currently, the preliminary determinations are due no later than September 23, 2021.

Postponement of the Preliminary Determinations

Section 703(b)(1) of the Tariff Act of 1930, as amended (the Act), requires Commerce to issue the preliminary determination in a CVD investigation within 65 days after the date on which Commerce initiated the investigation. However, section 703(c)(1) of the Act permits Commerce to postpone the preliminary determination until no later than 130 days after the date on which Commerce initiated the investigation if: (A) The petitioner makes a timely request for a postponement; or (B) Commerce concludes that the parties concerned are cooperating, that the investigation is extraordinarily complicated, and that additional time is necessary to make a preliminary determination. Under 19 CFR 351.205(e), the petitioner must submit a request for postponement 25 days or more before the scheduled date of the preliminary determination and must state the reasons for the request. Commerce will grant the request unless it finds compelling reasons to deny the request.

On August 16, 2021, the petitioner[2] submitted a timely request that Commerce postpone the preliminary determinations of the CVD investigations.[3] The petitioner stated that it requests postponement to provide adequate time for Commerce to receive and fully analyze the questionnaire responses, issue supplemental questionnaires, and prepare accurate preliminary determinations.[4] In accordance with 19 CFR 351.205(e), the petitioner has stated the reasons for requesting a postponement of the preliminary determinations, and Commerce finds there are no compelling reason to deny the requests. Therefore, in accordance with section 703(c)(1)(A) of the Act, Commerce is postponing the deadline for the preliminary determinations to no later than 130 days after the date on which these investigations were initiated, *i.e.,* November 29, 2021.[5] Pursuant to section 705(a)(1) of the Act and 19 CFR 351.210(b)(1), the deadline for the final determinations of these investigations will continue to be 75 days after the date of the preliminary determinations, unless postponed at a later date.

This notice is issued and published pursuant to section 703(c)(2) of the Act and 19 CFR 351.205(f)(1).

Dated: August 18, 2021.

Ryan Majerus,

Deputy Assistant Secretary for Policy and Negotiations.

[FR Doc. 2021–18189 Filed 8–23–21; 8:45 am]

BILLING CODE 3510–DS–P

[1] *See Urea Ammonium Nitrate Solutions from the Russian Federation and the Republic of Trinidad and Tobago: Initiation of Countervailing Duty Investigations,* 86 FR 40004 (July 26, 2021).

[2] The petitioner is CF Industries Nitrogen, LLC and its subsidiaries, Terra Nitrogen, Limited Partnership and Terra International (Oklahoma) LLC.

[3] *See* Petitioner's Letters, ''Urea Ammonium Nitrate Solutions from the Russian Federation: Petitioner's Request for Postponement of Preliminary Determination,'' dated August 16, 2021; and ''Urea Ammonium Nitrate Solutions from the Republic of Trinidad and Tobago: Petitioner's Request for Postponement of Preliminary Determination,'' dated August 16, 2021.

[4] *Id.*

[5] Postponing the preliminary determinations to 130 days after initiation would place the deadline on Saturday, November 27, 2021. Commerce's practice dictates that where a deadline falls on a weekend or federal holiday, the appropriate deadline is the next business day. *See Notice of Clarification: Application of ''Next Business Day'' Rule for Administrative Determination Deadlines Pursuant to the Tariff Act of 1930, As Amended,* 70 FR 24533 (May 10, 2005).

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

[Docket Number: 210726–0151]

Artificial Intelligence Risk Management Framework

AGENCY: National Institute of Standards and Technology, U.S. Department of Commerce.

ACTION: Request for Information.

SUMMARY: The National Institute of Standards and Technology (NIST) is extending the period for submitting comments relating to the NIST Artificial Intelligence Risk Management Framework (AI RMF or Framework) through September 15, 2021. In a Request for Information (RFI) that published in the **Federal Regster** on July 29, 2021 (86 FR 40810), NIST requested information to help inform, refine, and guide the development of the AI RMF. The Framework will be developed through a consensus-driven, open, and collaborative process that will include public workshops and other opportunities for stakeholders to provide input. NIST is extending the comment period announced in the July 29, 2021 RFI from August 19, 2021 to September 15, 2021 in response to stakeholder requests for more time to respond to this important issue.

DATES: Comments in response to this notice must be received by 5:00 p.m. Eastern time on September 15, 2021. Written comments in response to the RFI should be submitted according to the instructions in the **ADDRESSES** and **SUPPLEMENTARY INFORMATION** sections below. Comments received after August 19, 2021 and before publication of this notice are deemed to be timely. Submissions received after September 15, 2021, may not be considered. Those who have already submitted comments need not resubmit.

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

- *Electronic submission:* Submit electronic public comments via the Federal e-Rulemaking Portal.

1. Go to *www.regulations.gov* and enter NIST–2021–0004 in the search field,

2. Click the ''Comment Now!'' icon, complete the required fields, and

3. Enter or attach your comments.

- *Email:* Comments in electronic form may also be sent to *AIframework@nist.gov* in any of the following formats: HTML; ASCII; Word; RTF; or PDF.

Please submit comments only and include your name, organization's name

(if any), and cite ''AI Risk Management Framework'' in all correspondence.

FOR FURTHER INFORMATION CONTACT: For questions about this RFI contact: Mark Przybocki (*mark.przybocki@nist.gov*), U.S. National Institute of Standards and Technology, MS 20899, 100 Bureau Drive, Gaithersburg, MD 20899, telephone (301) 975–3347, email *AIframework@nist.gov.*

Direct media inquiries to NIST's Office of Public Affairs at (301) 975–2762.

Users of telecommunication devices for the deaf, or a text telephone, may call the Federal Relay Service, toll free at 1–800–877–8339.

Accessible Format: On request to the contact person listed above, NIST will make the RFI available in alternate formats, such as Braille or large print, upon request by persons with disabilities.

SUPPLEMENTARY INFORMATION:

NIST is extending the comment period announced in the July 29, 2021 RFI (86 FR 40810) through September 15, 2021. The agency's work on an AI RMF is consistent with recommendations by the National Security Commission on Artificial Intelligence [1] and the Plan for Federal Engagement in Developing AI Technical Standards and Related Tools.[2]

Congress has directed NIST to collaborate with the private and public sectors to develop a voluntary AI RMF.[3] The Framework is intended to help designers, developers, users and evaluators of AI systems better manage risks across the AI lifecycle.

Authority: 15 U.S.C. 272(b), (c), & (e); 15 U.S.C. 278g–3.

Alicia Chambers,

NIST Executive Secretariat.

[FR Doc. 2021–18108 Filed 8–23–21; 8:45 am]

BILLING CODE 3510–13–P

[1] National Security Commission on Artificial Intelligence, Final Report, *https://www.nscai.gov/wp-content/uploads/2021/03/Full-Report-Digital-1.pdf.*

[2] Plan for Federal Engagement in Developing AI Technical Standards and Related Tools, *https://www.nist.gov/system/files/documents/2019/08/10/ai_standards_fedengagement_plan_9aug2019.pdf.*

[3] H. Rept. 116–455—COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS BILL, 2021, CRPT–116hrpt455.pdf (*congress.gov*), and Section 5301 of the National Artificial Intelligence Initiative Act of 2020 (Pub. L. 116–283), *https://www.congress.gov/116/bills/hr6395/BILLS-116hr6395enr.pdf.*

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. iEdison System.

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 October 25, 2021.

ADDRESSES: Interested persons are invited to submit written comments by mail to Elizabeth Reinhart, Management Analyst, National Institute of Standards and Technology, 100 Bureau Drive, Gaithersburg, MD 20899, *elizabeth.reinhart@nist.gov*, or *PRAcomments@doc.gov.* Please reference OMB Control Number 0693-xxxx 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 Bethany Loftin, Interagency and iEdison Specialist, National Institute of Standards and Technology, 100 Bureau Drive Gaithersburg MD 20899, 301–975–0496, *bethany.loftin@nist.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

The Bayh-Dole Act (35 U.S.C. 18) and its implementing regulations (37 CFR 401) allow for recipients of federal research funding (Contractors) to retain ownership of inventions developed under federal funding agreements. In exchange, the government retains certain rights to the invention, including a world-wide right to use by or on behalf of the U.S. government. The law also requires the Contractor to obtain permission for certain actions and fulfill reporting requirements including:

a. Initial reporting of invention.
b. Decision to retain title to invention.
c. Filing of patent protection.
d. Evidence of government support clause within patents.
e. Submission of a license confirming the government's rights.
f. Notice if the Contractor is going to discontinue the pursuit or continuance of patent protection.
g. Information related to the development and utilization of invention.
h. Permission to assign to a third party; and
i. Permission to waive domestic manufacturing requirements.

This information is used for a variety of reasons. It allows the government to identify technologies to which the government has rights to use without additional payment or licensing. This acts as a time and cost-saving mechanism to avoid unnecessary negotiating and payment. It also provides data for calculation of return on investment (ROI) from federal funding and identifies successful research programs. Thirdly, it allows the government the opportunity to timely protect inventions which the Contractor declines title or discontinues patent protection. Historically, the National Institutes of Health (NIH) has collected this information via their on-line portal, iEdison; however, the responsibility for this data collection will be taken over by NIST. Agencies that do not register with iEdison are required to collect this information independently.

II. Method of Collection

Information will be electronically collected through the online system iEdison.

III. Data

OMB Control Number: 0693–XXXX.
Form Number(s): None.
Type of Review: Regular submission, new information collection.
Affected Public: Business or other for-profit organizations; Not-for-profit institutions; State, Local, or Tribal government.
Estimated Number of Respondents: 3063.
Estimated Time per Response:
Invention Records: 6 hours.
Patent Records: 3.5 hours.
Utilization Records 4.5 hours.
Estimated Total Annual Burden Hours:
Invention Records: 18,378 hours.
Patent Records: 10,720 hours.
Utilization Records: 13,783 hours.
Estimated Total Annual Cost to Public: $0.

Respondent's Obligation: Mandatory.

Legal Authority: The Bayh-Dole Act (35 U.S.C. 18) and its implementing regulations (37 CFR 401).

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. 2021–18196 Filed 8–23–21; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Robot Workcell Degradation Technology Exploration With the Manufacturing Extension Partnership National Network Consortium

AGENCY: National Institute of Standards and Technology, Department of Commerce.

ACTION: Notice of research consortium.

SUMMARY: The National Institute of Standards and Technology (NIST), an agency of the United States Department of Commerce, in support of efforts to verify and validate robot workcell health monitoring methods for use in the manufacturing industry, is establishing the Robot Workcell Degradation Technology Exploration with the Manufacturing Extension Partnership National Network Consortium (''Consortium''). In addition to supporting verification and validation of robot workcell health monitoring methods, the consortium intends to provide NIST with the opportunity to transfer technology to the U.S. manufacturing sector through the Manufacturing Extension Partnership (MEP) National Network™.

DATES: The Consortium's activities will commence on July 23rd, 2021 (''Commencement Date''). NIST will accept letters of interest from MEP Center teams to participate in this Consortium from prospective participants until December 1, 2023.

ADDRESSES: Completed letters of interest or requests for additional information about the Consortium can be directed via electronic mail to *RobotCRADA@nist.gov.*

FOR FURTHER INFORMATION CONTACT: J'aime Maynard, CRADA Administrator, National Institute of Standards and Technology's Technology Partnerships Office, by mail to 100 Bureau Drive, Mail Stop 2200, Gaithersburg, Maryland 20899, by electronic mail to *Jaime.maynard@nist.gov,* or by telephone at (301) 975–8408.

SUPPLEMENTARY INFORMATION: Consortium efforts are expected to yield practical lessons learned and guidance on the deployment and usage of the NIST-developed test methodology and companion sensor along with producing quantitative data from the test method and the host robot workcells. This will enhance NIST's research verifying and validating methods to assess robot workcell health degradation in addition to accelerating technology transfer into the manufacturing industry.

NIST's Engineering Laboratory has developed a test method—Identification and Isolation of Robot Workcell Degradation—that has the potential to efficiently assess the change in accuracy within a robot workcell, including those used in manufacturing operations. The test method is paired with the NIST-developed Position Verification Sensor (PVS—patent pending) to yield pass/fail output when the test method is executed with the PVS in a robot workcell. The test method and PVS are designed such that the change in accuracy of the key insertion can be measured to desired tolerances. This capability addresses the challenge that it can be costly to determine if the health of a robot workcell has degraded before quality and/or productivity are impacted. The test method and sensor require verification and validation from industrial partners. The Manufacturing Extension Partnership (MEP) National Network™, a public-private partnership with Centers in every U.S. state and Puerto Rico dedicated to serving small and medium-sized manufacturers, is uniquely positioned to enable this activity.

Each pilot study will be performed at a MEP Center-selected manufacturing facility. Proof of concept studies, prior to individual pilot studies, may be conducted at an MEP Center or at a chosen technology integrator/builder facility.

This CRADA Consortium involves the use of U.S. Government IP. NIST Invention entitled ''POSITION VERIFICATION SENSOR WITH DISCRETE OUTPUT'', US Patent Application 16/572,847, filed on September 17, 2019, will be the IP that is used in this collaboration.

This Consortium has specific objectives including:

(1) Pilot the test method and PVS in manufacturing facilities through guided deployments by state-based MEP Center teams to obtain practical feedback, including quantitative performance data, lessons learned, and deployment guidance, regarding the viability of the test method and sensor in robot workcells;

(2) During each pilot study, obtain information regarding the manufacturing operations, test method, and sensor performance including (a) data from the test method and sensor during its usage in a robot workcell health testing, (b) component-level data from the robot(s) that are interacting with the sensor, (c) process-level data captured from the overall workcell(s) that include the test method/sensor, (d) operational configuration information of the robot workcell including use case variants (*e.g.,* robot picks up boxes weighing 5 kg and 10 kg as opposed to picking up boxes of the same weight), (e) maintenance logs and activities that document faults and failures of the workcell along with specific maintenance that is performed, and (f) feedback from manufacturing personnel (*e.g.,* operators, maintenance personnel, plant managers, etc.);

(3) Enable MEP Center teams to explore the development of a service of the NIST test method and/or the commercialization of the new sensor technology to ultimately promote transfer to the manufacturing industry; and

(4) Enable MEP Center teams to promote a capability for manufacturers/

robot workcell end-users to detect degradation of process accuracy prior to it impacting product quality or operational productivity.

There are numerous potential benefits to the participating MEP Center teams including:

a. Acquisition of a research license of NIST's PVS technology to practice the invention to explore its commercial feasibility

b. Feedback on the deployment, integration, usage, and maintenance (as necessary) of the sensor within relevant operational environments to determine if/where/how to make the technology more viable for commercialization

c. Identification of the use cases and scenarios that the sensor and test method can be reasonably deployed

d. Acquire advanced knowledge of potential degradations to process accuracy prior to degradations negatively impacting product quality or operational productivity

e. If the sensor became commercially available, this could lead to the development of services using the sensor to improve the operations and efficiency of small and medium manufacturers.

Participation Process

Eligibility will be determined by NIST based on the information provided by prospective participants in response to this notice on a first-come, first-serve basis. In accordance with the Consortium objectives, collaborators must be MEP Centers. Collaborator project teams must be entirely composed of MEP Centers or, if a project team includes non-MEP Center team members, the project team must be led by an MEP Center Collaborator. All participants will be required to sign the Cooperative Research and Development Agreement (CRADA) for this Consortium, and each participant will be bound to the same terms and conditions in consideration of participation in the Consortium. Participants will not be required to contribute any funds or pay any fee. NIST will evaluate the submitted responses from prospective participants to determine eligibility to participate in this Consortium. Prospective participants should provide a Letter of Interest with the following information to NIST's Consortium Manager:

(1) A description of the MEP Center team's technical experience in integrating robot workcells and/or sensor technology into manufacturing facilities.

(2) A description of the manufacturing use cases and deployments of robotic workcells that the MEP Center team would target for NIST test method and PVS deployment.

(3) A description of services, if any, that the MEP Center team has provided in the domains of robotic manufacturing, predictive maintenance, or sensors.

(4) List of interested MEP Center's anticipated team members.

Letter of interest must not include business proprietary information. NIST will not treat any information provided in response to this Notice as proprietary information. NIST will notify each organization of its eligibility. NIST does not guarantee participation in the Consortium to any organization submitting a Letter of interest.

Alicia Chambers,

NIST Executive Secretariat.

[FR Doc. 2021–18129 Filed 8–23–21; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Draft Programmatic Environmental Impact Statement for Surveying and Mapping Projects in U.S. Waters for Coastal and Marine Data Acquisition, Extension of Public Comment Period

AGENCY: National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Notice; extension of comment period.

SUMMARY: The National Oceanic and Atmospheric Administration (NOAA), National Ocean Service (NOS) is extending the public comment period by 90 days for the Draft Programmatic Environmental Impact Statement (PEIS) for Surveying and Mapping Projects in U.S. Waters for Coastal and Marine Data Acquisition. The end of the public comment period is extended from August 24, 2021 to November 22, 2021.

DATES: The public comment period is extended by 90 days to November 22, 2021. Comments must be received by November 22, 2021, as specified under **ADDRESSES**. Comments received after this date may not be accepted.

ADDRESSES: The Draft PEIS can be viewed or downloaded from the NOS website at *https://oceanservice.noaa.gov/about/environmental-compliance/surveying-mapping.html.* Written comments on NOS's Draft PEIS may be submitted by one of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *https://www.regulations.gov* and enter NOAA–NOS–2021–0055 in the Search box. Click on the ''Comment'' icon, complete the required fields, and enter or attach your comments.
- *Mail:* Please direct written comments to DOC/NOAA/NOS Environmental Compliance Coordinator, SSMC4-Station 13612, 1305 East West Highway, Silver Spring, MD 20910.
- *Email: nosaa.ec@noaa.gov*.
- *Instructions:* Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NOAA. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NOAA will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous).

FOR FURTHER INFORMATION CONTACT: Giannina DiMaio, DOC/NOAA/NOS, Environmental Compliance Coordinator, SSMC4-Station 13612, 1305 East West Highway, Silver Spring, MD 20910; Phone: 240–533–0918; or Email *nosaa.ec@noaa.gov.*

SUPPLEMENTARY INFORMATION: On June 25, 2021, NOS published a Notice of Availability of a Draft PEIS for Surveying and Mapping Projects in U.S. Waters for Coastal and Marine Data Acquisition. 86 FR 33663 (June 25, 2021). The Draft PEIS was prepared in accordance with the National Environmental Policy Act of 1969, as amended (NEPA), to analyze the potential environmental impacts associated with NOS's recurring data collection projects to characterize submerged features (*e.g.,* habitat, bathymetry, marine debris). The ''action area'' for these projects encompasses United States (U.S.) rivers, states' offshore waters, the U.S. territorial sea, the contiguous zone, the U.S. Exclusive Economic Zone (U.S. EEZ), and coastal and riparian lands. As a part of the Proposed Action, NOS may use active acoustic equipment such as sub-bottom profilers, single beam and multibeam echo sounders, side-scan sonars, and Acoustic Doppler Current Profilers. The Draft PEIS analyzes NOS data collection projects for a time period of six years. Please refer to the original Notice of Availability for additional summary information.

The original public comment period for the Draft PEIS was scheduled to close on August 24, 2021. In response to written and verbal requests from members of the public including representatives of the Alaska whaling community, NOS is extending the public comment period by 90 days to November 22, 2021. The comment period extension will ensure adequate time for review of the Draft PEIS by all interested parties and will accommodate the Alaskan subsistence hunting and fishing community which is particularly busy during the start of the fall whaling season from August to October. NOS recognizes that Alaskan communities have valuable regional expertise in oceanography, marine mammals and other resources, and the subsistence patterns and needs of their community.

NOS invites affected government agencies, non-governmental organizations, tribes and tribal organizations, and interested members of the public to participate in the Draft PEIS process and provide comments on the structure, contents, and analysis in the Draft PEIS. Please visit the project web page for additional information regarding the program: *https://oceanservice.noaa.gov/about/environmental-compliance/surveying-mapping.html.*

Authority: The preparation of the Draft PEIS was conducted in accordance with the requirements of NEPA, the Council on Environmental Quality's Regulations (40 CFR 1500 *et seq.* (1978)), other applicable regulations, and NOAA's policies and procedures for compliance with those regulations. While the CEQ regulations implementing NEPA were revised as of November 14, 2020 (85 FR 43304, Jul. 16, 2020), NOS prepared this Draft PEIS using the 1978 CEQ regulations because this environmental review began on December 19, 2016, when NOS published a Notice of Intent to conduct scoping and prepare a Draft Programmatic Environmental Assessment. Written comments must be received on or before November 22, 2021.

Nicole R. LeBoeuf,

Assistant Administrator, National Ocean Service, National Oceanic and Atmospheric Administration.

[FR Doc. 2021–18207 Filed 8–23–21; 8:45 am]

BILLING CODE 3510–JE–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Notice of Indirect Cost Rates

AGENCY: Office of Response and Restoration (OR&R), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), U.S. Department of Commerce (DOC).

ACTION: Notice of indirect cost rates for the Damage Assessment, Remediation, and Restoration Program for Fiscal Year 2019.

SUMMARY: Notice is hereby given to announce new indirect cost rates on the recovery of indirect costs for its component organizations involved in natural resource damage assessment and restoration activities for fiscal year (FY) 2019. The indirect cost rates for this fiscal year and date of implementation are provided in this notice. More information on these rates and the Damage Assessment, Remediation, and Restoration Program (''DARRP'') policy can be found at the DARRP website at *www.darrp.noaa.gov.*

FOR FURTHER INFORMATION CONTACT: For further information contact: LaTonya Burgess at (240) 533–0428, *LaTonya.Burgess@noaa.gov*

SUPPLEMENTARY INFORMATION:

Background

The mission of the DARRP is to restore natural resource injuries caused by releases of hazardous substances or oil under the Comprehensive Environmental Response, Compensation, and Liability Act (''CERCLA'') 42 U.S.C. 9601 *et seq.,* and the Oil Pollution Act of 1990 (''OPA'') 33 U.S.C. 2701 *et seq.,* and to support restoration of physical injuries to National Marine Sanctuary resources under the National Marine Sanctuaries Act (''NMSA'') 16 U.S.C. 1431 *et seq.* The DARRP consists of three component organizations: The Office of Response and Restoration (''ORR'') within the National Ocean Service; the Restoration Center within the National Marine Fisheries Service; and the Office of the General Counsel Natural Resources Section (''GCNRS''). The DARRP conducts Natural Resource Damage Assessments (''NRDAs'') as a basis for recovering damages from responsible parties, and uses the funds recovered to restore injured natural resources.

Consistent with federal accounting requirements, the DARRP is required to account for and report the full costs of its programs and activities. Further, the DARRP is authorized by law to recover reasonable costs of damage assessment and restoration activities under CERCLA, OPA, and the NMSA. Within the constraints of these legal provisions and their regulatory applications, the DARRP has the discretion to develop indirect cost rates for its component organizations and formulate policies on the recovery of indirect cost rates subject to its requirements.

The DARRP's Indirect Cost Effort

In December 1998, the DARRP hired the public accounting firm Rubino & McGeehin, Chartered (''R&M'') to: Evaluate the DARRP cost accounting system and allocation practices; recommend the appropriate indirect cost allocation methodology; and determine the indirect cost rates for the three organizations that comprise the DARRP. A **Federal Register** notice on R&M's effort, their assessment of the DARRP's cost accounting system and practice, and their determination regarding the most appropriate indirect cost methodology and rates for Fiscal Years (''FYs'') 1993 through 1999 was published on December 7, 2000 (65 FR 76611).

R&M continued its assessment of DARRP's indirect cost rate system and structure for FYs 2000 and 2001. A second federal notice specifying the DARRP indirect rates for FYs 2000 and 2001 was published on December 2, 2002 (67 FR 71537).

In October 2002, DARRP hired the accounting firm of Cotton and Company LLP (''Cotton'') to review and certify DARRP costs incurred on cases for purposes of cost recovery and to develop indirect rates for FY 2002 and subsequent years. As in the prior years, Cotton concluded that the cost accounting system and allocation practices of the DARRP component organizations are consistent with federal accounting requirements. Consistent with R&M's previous analyses, Cotton also determined that the most appropriate indirect allocation method continues to be the Direct Labor Cost Base for all three DARRP component organizations. The Direct Labor Cost Base is computed by allocating total indirect cost over the sum of direct labor dollars, plus the application of NOAA's leave surcharge and benefits rates to direct labor. Direct labor costs for contractors from ERT, Inc. (''ERT''), Freestone Environmental Services, Inc. (''Freestone''), and Genwest Systems, Inc. (''Genwest'') were included in the direct labor base because Cotton determined that these costs have the same relationship to the indirect cost pool as NOAA direct labor costs. ERT, Freestone, and Genwest provided on-

site support to the DARRP in the areas of injury assessment, natural resource economics, restoration planning and implementation, and policy analysis. Subsequent federal notices have been published in the **Federal Register** as follows:

- FY 2002, published on October 6, 2003 (68 FR 57672)
- FY 2003, published on May 20, 2005 (70 FR 29280)
- FY 2004, published on March 16, 2006 (71 FR 13356)
- FY 2005, published on February 9, 2007 (72 FR 6221)
- FY 2006, published on June 3, 2008 (73 FR 31679)
- FY 2007 and FY 2008, published on November 16, 2009 (74 FR 58948)
- FY 2009 and FY 2010, published on October 20, 2011 (76 FR 65182)
- FY 2011, published on September 17, 2012 (77 FR 57074)
- FY 2012, published on August 29, 2013 (78 FR 53425)
- FY 2013, published on October 14, 2014 (79 FR 61617)
- FY 2014, published on December 17, 2015 (80 FR 78718)
- FY 2015, published on August 22, 2016 (81 FR 56580)

Empirical Concepts developed the DARRP indirect rates for FY 2016 and 2017. Empirical reaffirmed that the Direct Labor Cost Base is the most appropriate indirect allocation method for the development of the FY 2016, 2017, and 2018 indirect cost rates. The federal notice for these rates can be found at the following:

- FY 2016 and FY 2017, published on October 16, 2019 (84 FR 55283)
- FY 2018, published on August 5, 2020 (85 FR 47358)

Empirical Concepts developed the DARRP indirect rates for FY 19 and reaffirmed the Direct Labor Cost Base as the most appropriate indirect allocation for the development of the FY 2019 indirect cost rates.

The DARRP's Indirect Cost Rates and Policies

The DARRP will apply the indirect cost rates for FY 2019 as recommended by Empirical for each of the DARRP component organizations as provided in the following table:

DARRP component organization	FY 2019 indirect rate (percent)
Office of Response and Restoration (ORR)	142.15
Restoration Center (RC)	76.99
General Counsel Natural Resources Section (GCNRS)	65.95

The FY 2019 rates will be applied to all damage assessment and restoration case costs incurred between October 1, 2018 and September 30, 2019 effective October 1, 2021. DARRP will use the FY 2019 indirect cost rates for future fiscal years, beginning with FY 2020, until subsequent year-specific rates can be developed.

For cases that have settled and for cost claims paid prior to the effective date of the fiscal year in question, the DARRP will not re-open any resolved matters for the purpose of applying the revised rates in this policy for these fiscal years. For cases not settled and cost claims not paid prior to the effective date of the fiscal year in question, costs will be recalculated using the revised rates in this policy for these fiscal years. Where a responsible party has agreed to pay costs using previous year's indirect rates, but has not yet made the payment because the settlement documents are not finalized, the costs will not be recalculated.

Scott Lundgren,

Director, Office of Response and Restoration, National Ocean Service, National Oceanic and Atmospheric Administration.

[FR Doc. 2021–18113 Filed 8–23–21; 8:45 am]

BILLING CODE 3510–JE–P

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Proposed Information Collection; Emergency Comment Request

AGENCY: Corporation for National and Community Service.

ACTION: Notice of information collection.

SUMMARY: The Corporation for National and Community Service, operating as AmeriCorps, has submitted a public information collection request (ICR) entitled AmeriCorps Diversity Questionnaire for review and approval in accordance with the Paperwork Reduction Act.

DATES: Written comments must be submitted to the individual and office listed in the **ADDRESSES** section by September 23, 2021.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Copies of this ICR, with applicable supporting documentation, may be obtained by calling AmeriCorps, Amy Borgstrom, at 202–606–6930 or by email to *aborgstrom@cns.gov.*

SUPPLEMENTARY INFORMATION: The OMB is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of CNCS, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions;
- Propose ways to enhance the quality, utility, and clarity of the information to be collected; and
- Propose ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments

Because this is an emergency request for comments, no 60-day notice requesting public comment has been published in the **Federal Register**.

Title of Collection: AmeriCorps Diversity Questionnaire.

OMB Control Number: 3045–0035 Type of Review: New Information Collection.

Respondents/Affected Public: Eligible organizations that are applying for AmeriCorps grants.

Total Estimated Number of Annual Responses: 750.

Total Estimated Number of Annual Burden Hours: 375 hours.

Abstract: The information provided by the survey will enable AmeriCorps to better understand the demographic characteristics of current grantees and potential grantees to further AmeriCorps' efforts to take into account the diversity of communities and participants in its grantmaking. This is a requirement per the American Rescue Plan Act. Additionally, it will enable AmeriCorps to better target training, technical assistance, and outreach to potential grantees with the goal of creating programs that represent and serve the full diversity of our nation's communities.

AmeriCorps is proposing embedding this questionnaire into the existing grant application via the online system, eGrants, as a way to minimize the burden of the collection of the information. The questionnaire will be submitted annually per applicant for funding and estimated time for

completion is less than 30 minutes, based on staff testing of the survey. The questionnaire will be submitted electronically as part of the existing AmeriCorps grant application and questions have been crafted for ease of reporting and efficient collection. The questionnaire will be complemented with an in-depth set of grant application instructions. Staff will also be available to provide individualized assistance, if needed.

Dated: August 16, 2021.

Sonali Nijhawan,

Director, AmeriCorps State and National.

[FR Doc. 2021–18200 Filed 8–23–21; 8:45 am]

BILLING CODE 6050–28–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2021–HA–0087]

Proposed Collection; Comment Request

AGENCY: The Office of the Assistant Secretary of Defense for Health Affairs, Department of Defense (DoD).

ACTION: Information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the Defense Health Agency announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by October 25, 2021.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

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

Mail: DoD cannot receive written comments at this time due to the COVID–19 pandemic. Comments should be sent electronically to the docket listed above.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to The Defense Health Agency, ATTN: Zelly Zim, 8111 Gatehouse Road, 229D, Falls Church, VA 22042 or call 571–232–1551.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: TriCare DoD/CHAMPUS Medical Claim Patient's Request for Medical Payment; DD Form 2642; OMB Control Number 0720–0006.

Needs and Uses: The DD–2642, ''TRICARE DoD/CHAMPUS Medical Claim Patient's Request for Medical Payment'' form is used by TRICARE beneficiaries to claim reimbursement for medical expenses under the TRICARE Program (formerly the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS)). The information collected will be used by TRICARE to determine beneficiary eligibility, other health insurance liability, certification that the beneficiary has the received care, and reimbursement for medical services received.

Affected Public: Individuals or households.

Annual Burden Hours: 207,500.

Number of Respondents: 830,000.

Responses per Respondent: 1.

Annual Responses: 830,000.

Average Burden per Response: 15 minutes.

Frequency: As required.

Dated: August 17, 2021.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2021–18133 Filed 8–23–21; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2021–HA–0086]

Proposed Collection; Comment Request

AGENCY: The Office of the Assistant Secretary of Defense for Health Affairs, Department of Defense (DoD).

ACTION: Information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the Defense Health Agency announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by October 25, 2021.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

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

Mail: DoD cannot receive written comments at this time due to the COVID–19 pandemic. Comments should be sent electronically to the docket listed above.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Defense Health Agency, ATTN: Dr. Kimberely Aiyelawo, 7700 Arlington Blvd., Suite 5101, Falls Church, VA 22042 or call 703–681–3636.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Department of Defense Patient Safety Culture Survey; OMB Control Number 0720–0034.

Needs and Uses: The 2001 National Defense Authorization Act contains specific sections addressing patient safety in military and veterans' health care systems. This legislation states that

the Secretary of Defense shall establish a patient care error reporting and management system to study occurrences of errors in patient care and that one purpose of the system should be to ''identify systemic factors that are associated with such occurrences'' and ''to provide for action to be taken to correct the identified systemic factors'' (Sec. 754, items b2 and b3). In addition, the legislation states that the Secretary shall ''continue research and development investments to improve communication, coordination, and team work in the provision of health care''. (Sec. 754, item d4).

In its ongoing response to this legislation and in support of its mission to ''promote a culture of safety to eliminate preventable patient harm by engaging, educating and equipping patient-care teams to institutionalize evidence-based safe practices,'' the DoD Patient Safety Program plans to field the Department of Defense Patient Safety Culture Survey. The Culture Survey is based on the Department of Health and Human Services' Agency for Healthcare Research and Quality's validated survey instrument. The survey obtains MHS staff opinions on patient safety issues such as teamwork, communications, medical error occurrence and response, error reporting, and overall perceptions of patient safety.

Affected Public: Federal Government, Individuals or Households.

Annual Burden Hours: 1,251.2.

Number of Respondents: 7,820.

Responses per Respondent: 1.

Annual Responses: 7,820.

Average Burden per Response: 0.16 hours.

Frequency: As required.

Dated: August 17, 2021.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2021–18132 Filed 8–23–21; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

Notice Inviting Publishers To Submit Tests for a Determination of Suitability for Use in the National Reporting System for Adult Education

AGENCY: Office of Career, Technical, and Adult Education, Department of Education.

ACTION: Notice.

SUMMARY: The Secretary of Education invites publishers to submit tests for review and approval for use in the National Reporting System for Adult Education (NRS) and announces the date by which publishers must submit these tests. This notice relates to the approved information collection under OMB control number 1830–0567.

DATES: Deadline for transmittal of applications: October 1, 2021.

ADDRESSES: Submit your application by email to *NRS@air.org.*

FOR FURTHER INFORMATION CONTACT: John LeMaster, U.S. Department of Education, 400 Maryland Avenue SW, Room 11152, Potomac Center Plaza, Washington, DC 20202–7240. Telephone: (202) 245–6218. Email: *John.LeMaster@ed.gov.*

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: The Department's regulations for Measuring Educational Gain in the National Reporting System for Adult Education, 34 CFR part 462 (NRS regulations), include the procedures for determining the suitability of tests for use in the NRS.

There is a review process that will begin on October 1, 2021. Only tests submitted by the due date will be reviewed in that review cycle. If a publisher submits a test after October 1, 2021, the test will not be reviewed until the review cycle that begins on October 1, 2022.

Criteria the Secretary Uses: In order for the Secretary to consider a test suitable for use in the NRS, the test must meet the criteria and requirements established in 34 CFR 462.13.

Submission Requirements:

(a) In preparing your application, you must comply with the requirements in 34 CFR 462.11.

(b) In accordance with 34 CFR 462.10, the deadline for transmittal of applications in this fiscal year is October 1, 2021.

(c) You must retain a copy of your sent email message and the email attachments as proof that you submitted your application by 11:59 p.m. local time on October 1, 2021.

(d) We do not consider applications submitted after the application deadline date to be timely for the October 1, 2021, review cycle. If an application is submitted after the October 1, 2021, deadline date, the application will be considered timely for the October 1, 2022, deadline date.

Accessible Format: On request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**, individuals with disabilities can obtain this document in an accessible format. The Department will provide the requestor with an accessible format that may include Rich Text Format (RTF) or text format (TXT), a thumb drive, an MP3 file, braille, large print, audiotape, or compact disc or other accessible format.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations at *www.govinfo.gov.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Authority: 29 U.S.C. 3292.

Jennifer Mishory,

Chief of Staff, Delegated the Authority to Perform the Functions and Duties of the Assistant Secretary for Career, Technical, and Adult Education.

[FR Doc. 2021–18213 Filed 8–23–21; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2021–SCC–0084]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Federal Perkins/NDSL Loan Assignment Form

AGENCY: Federal Student Aid (FSA), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing an extension without change of a currently approved collection.

DATES: Interested persons are invited to submit comments on or before September 23, 2021.

ADDRESSES: Written comments and recommendations for proposed information collection requests should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this information collection request by selecting ''Department of Education'' under ''Currently Under Review,'' then check

''Only Show ICR for Public Comment'' checkbox. Comments may also be sent to *ICDocketmgr@ed.gov.*

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Beth Grebeldinger, 202–377–4018.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Federal Perkins/NDSL Loan Assignment Form.

OMB Control Number: 1845–0048.

Type of Review: A revision of a currently approved collection.

Respondents/Affected Public: Private Sector; State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 75,072.

Total Estimated Number of Annual Burden Hours: 37,537.

Abstract: Institutions participating in the Federal Perkins Loan program use the assignment form to assign loans to the Department for collection without recompense, transferring the authority to collect on the loan. This request is for continued approval of the paper based assignment form and the electronic process. The electronic process allows for batch processing as well as individual processing. The same information is being requested in both processing methods. The Department is requesting a revision of the currently approved collection. One minor change has been made to the form to include the option of a foreign address for the borrower.

Dated: August 19, 2021.

Kate Mullan,

PRA Coordinator, Strategic Collections and Clearance, Governance and Strategy Division, Office of Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2021–18202 Filed 8–23–21; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Western Area Power Administration

Boulder Canyon Project

AGENCY: Western Area Power Administration, DOE.

ACTION: Notice concerning fiscal year 2022 Boulder Canyon Project base charge and rates for electric service.

SUMMARY: The Assistant Secretary for Electricity confirms, approves, and places into effect on a final basis the Boulder Canyon Project (BCP) base charge and rates for fiscal year (FY) 2022 under Rate Schedule BCP–F10. The base charge increased 2.9 percent from $65.4 million in FY 2021 to $67.4 million in FY 2022. The change is primarily the result of an increase in the Bureau of Reclamation's (Reclamation) replacement costs, an increase in the Western Area Power Administration's (WAPA) operations and maintenance (O&M) expenses and replacement costs, and a decrease in prior year carryover funds from FY 2021.

DATES: The FY 2022 base charge and rates will be effective October 1, 2021 and will remain in effect through September 30, 2022.

FOR FURTHER INFORMATION CONTACT: Jack D. Murray, Acting Regional Manager, Desert Southwest Region, Western Area Power Administration, P.O. Box 6457, Phoenix, AZ 85005–6457, (602) 605–2525, or *dswpwrmrk@wapa.gov;* or Tina Ramsey, Rates Manager, Desert Southwest Region, Western Area Power Administration, (602) 605–2565, or *ramsey@wapa.gov.*

SUPPLEMENTARY INFORMATION: On June 6, 2018, the Federal Energy Regulatory Commission (FERC) confirmed and approved Rate Schedule BCP–F10 under Rate Order No. WAPA–178 on a final basis through September 30, 2022.[1] The rate-setting methodology for BCP calculates an annual base charge rather than a unit rate for Hoover Dam hydropower. The base charge recovers an annual revenue requirement that includes WAPA and Reclamation projected costs of investment repayment, interest, O&M, replacements, payments to states, and Hoover Dam visitor services. Non-power revenue projections such as water sales, Hoover Dam visitor center revenue, ancillary services, and late fees help offset these projected costs. Customers are billed a percentage of the base charge in proportion to their Hoover power allocation. Rates are calculated for comparative purposes but are not used to determine the charges for service.

Rate Schedule BCP–F10 and the BCP Electric Service Contract require WAPA to determine the annual base charge and rates for the next FY before October 1 of each year. The FY 2021 BCP base charge and rates expire on September 30, 2021.

COMPARISON OF BASE CHARGE AND RATES

	FY 2021	FY 2022	Amount change	Percent change
Base Charge ($)	$65,443,462	$67,355,778	$1,912,316	2.9
Composite Rate (mills/kWh)	18.10	20.63	2.53	14.0
Energy Rate (mills/kWh)	9.05	10.32	1.27	14.0
Capacity Rate ($/kW-Mo)	$1.69	$2.03	$0.34	20.1

[1] Order Confirming and Approving Rate Schedule on a Final Basis, FERC Docket No. EF18–1–000, 163 FERC ¶ 62,154 (2018).

Reclamation's FY 2022 budget is increasing by $1.6 million to $81.7 million, a 2 percent increase from FY 2021. While O&M costs are decreasing by $4.4 million compared to FY 2021, there was a minimal increase of $44,000 for post-retirement benefits and replacement costs are increasing by $4.4 million due to the addition of new projects and the inclusion of projects that were previously deferred due to the COVID–19 pandemic. Visitor services costs are also increasing by $1.5 million in FY 2022, primarily due to a $1 million reallocation of expenses from administrative and general expenses in O&M to visitor services expenses. Higher labor projections in salaries, overtime, overhead, and benefits also contribute to the visitor services increase.

WAPA's FY 2022 budget is increasing by $762,000 to $9.2 million, a 9.1 percent increase from FY 2021. A $247,000 increase in WAPA's replacement budget for communication equipment and higher O&M expenses of $520,000 account for this increase. The increase in O&M expenses is primarily due to the following: The Hoover-Mead transmission line lease costs, which were not budgeted in FY 2021; an updated distribution of labor costs resulting from the closure of the Navajo Generating Station near Page, Arizona; and higher labor projections for salaries, overtime, overhead, and benefits in power operations. The increase in replacements and O&M costs is offset by a modest decrease in facility expenses and post-retirement benefits.

The cost increase for both Reclamation and WAPA is offset by a $2.1 million increase in non-power revenue projections due to the added commercial use authorization for road-based tours. Prior year carryover is estimated to be $2.7 million, a $1.7 million decrease from FY 2021.

While the base charge is increasing 2.9 percent, the composite and energy rates are both increasing 14 percent and the capacity rate is increasing 20.1 percent from FY 2021. Projections of energy and capacity are decreasing in FY 2022 due to the ongoing drought in the Lower Colorado River Basin. Reclamation and WAPA work collaboratively each year to minimize budget increases to moderate the financial impact of the drought to the rates. For FY 2022, Reclamation and WAPA were able to reduce previously formulated budgets and defer projects to decrease costs by $4 million. Without this decrease in costs, the base charge would have increased approximately $5.9 million instead of $1.9 million.

Public Notice and Comment

The notice of the proposed FY 2022 base charge and rates for electric service was published consistent with procedures set forth in 10 CFR part 903 and 10 CFR part 904. WAPA took the following steps to involve customers and interested parties in the rate process:

1. On April 15, 2021, a **Federal Register** notice (86 FR 19881) announced the proposed base charge and rates and initiated the 90-day public consultation and comment period.

2. On May 17, 2021, WAPA held a public information forum by web conference. WAPA and Reclamation representatives explained the proposed base charge and rates and answered questions. Presentation materials and supplemental information requested by customers were posted to WAPA's website.

3. On June 14, 2021, WAPA held a public comment forum by web conference to provide customers and interested parties an opportunity to comment for the record. WAPA received no comments during this forum.

4. On July 14, 2021, the public consultation and comment period ended with WAPA receiving no comments.

Certification of Rates

WAPA's Administrator certified that the FY 2022 base charge and rates under Rate Schedule BCP–F10 are the lowest possible rates consistent with sound business principles. The base charge and rates were developed following administrative policies and applicable laws.

Availability of Information

Information about the rate process to establish the FY 2022 base charge and rates was made available on WAPA's website at *https://www.wapa.gov/regions/DSW/Rates/Pages/boulder-canyon-rates.aspx.*

Legal Authority

10 CFR 904.7(e) requires annual review of the BCP base charge and an ''adjust[ment], either upward or downward, when necessary and administratively feasible, to assure sufficient revenues to effect payment of all costs and financial obligations associated with the [p]roject.'' WAPA's Administrator provided all BCP contractors an opportunity to comment on the proposed base charge adjustment consistent with the procedures for public participation in rate adjustments as required under 10 CFR 904.7(e) and the BCP Electric Service Contract. The BCP Electric Service Contract states that for years other than the first year and each fifth year thereafter, when the rate schedule is approved by the Deputy Secretary on a provisional basis and by FERC on a final basis, adjustments to the base charge ''shall become effective upon approval by the Deputy Secretary of Energy.'' Under the DOE Organization Act, the Secretary of Energy holds plenary authority over DOE affairs with respect to the Power Marketing Administrations, and the Secretary of Energy may therefore exercise the Deputy Secretary's contractual authority in this context. By Delegation Order No. S1–DEL–S4–2021, effective February 25, 2021, the Acting Secretary of Energy delegated ''to the Under Secretary for Science (and Energy) the authority vested in [the Secretary] with respect to the . . . Western Area Power Administration.'' By Redelegation Order No. S4–DEL–OE1–2021, effective March 25, 2021, the Acting Under Secretary for Science (and Energy) redelegated the same authority to the Assistant Secretary for Electricity. Based upon the governing terms of the existing BCP Electric Service Contract, the Acting Assistant Secretary for Electricity is approving the FY 2022 base charge and rates for BCP electric service. This rate action is issued under the Redelegation Orders and DOE's procedures for public participation in rate adjustments as set forth at 10 CFR part 903 and 10 CFR part 904.[2]

Following DOE's review of WAPA's proposal, and as authorized by applicable provisions of the BCP Electric Service Contract, I hereby confirm, approve, and place the FY 2022 base charge and rates for BCP electric service, under Rate Schedule BCP–F10, into effect on a final basis through September 30, 2022.

Ratemaking Procedure Requirements

Environmental Compliance

WAPA has determined this action fits within the following categorical exclusions listed in appendix B to subpart D of 10 CFR 1021: B4.3 (Electric power marketing rate changes) and B4.4 (Power marketing services and activities). Categorically excluded projects and activities do not require preparation of either an environmental impact statement (EIS) or an environmental assessment (EA).[3] A

[2] 50 FR 37835 (Sept. 18, 1985) and 84 FR 5347 (Feb. 21, 2019).

[3] The determination was done in compliance with the National Environmental Policy Act (NEPA) of 1969, as amended, 42 U.S.C. 4321–4347; the Council on Environmental Quality Regulations for implementing NEPA (40 CFR parts 1500–1508); and DOE NEPA Implementing Procedures and Guidelines (10 CFR part 1021).

copy of the categorical exclusion determination is available on WAPA's website at *https://www.wapa.gov/regions/DSW/Environment/Pages/environment.aspx.*

Determination Under Executive Order 12866

WAPA has an exemption from centralized regulatory review under Executive Order 12866; accordingly, no clearance of this notice by the Office of Management and Budget is required.

Signing Authority

This document of the Department of Energy was signed on August 18, 2021, by Patricia A. Hoffman, Acting Assistant Secretary, Office of Electricity, 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 August 19, 2021.

Treena V. Garrett,

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

[FR Doc. 2021–18172 Filed 8–23–21; 8:45 am]

BILLING CODE 6450–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0496; FR ID 43963]

Information Collection Being Reviewed by the Federal Communications Commission Under Delegated Authority

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (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. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees. The FCC may not conduct or sponsor a collection of information unless it displays a currently valid 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 Office of Management and Budget (OMB) control number.

DATES: Written PRA comments should be submitted on or before October 25, 2021. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicole Ongele, FCC, via email *PRA@fcc.gov* and to *Nicole.Ongele@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Nicole Ongele at (202) 418–2991.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0496.

Title: ARMIS Operating Data Report.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents and Responses: 49 respondents; 49 responses.

Estimated Time per Response: 8 hours.

Frequency of Response: Annual reporting requirement.

Obligation to Respond: Mandatory. Statutory authority for this information collection is contained in 47 U.S.C. Sections 219 and 220 of the Communications Act of 1934, as amended.

Total Annual Burden: 392 hours.

Total Annual Cost: No cost.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: Ordinarily questions of a sensitive nature are not involved in the ARMIS Report 43–08. The Commission contends that areas in which detailed information is required are fully subject to regulation and the issue of data being regarded as sensitive will arise in special circumstances only. In such circumstances, respondents may request materials or information submitted to the Commission be withheld from public inspection under 47 CFR 0.459 of the Commission's rules.

Needs and Uses: The information contained in FCC Report 43–08 has helped the Commission fulfill its regulatory responsibilities. Automated reporting of these data greatly enhances the Commission's ability to process and analyze the extensive amounts of data provided in the reports. Automating and organizing data submitted to the Commission facilitate the timely and efficient analysis of revenue requirements, rates of return and price caps, and provide an improved basis for auditing and other oversight functions. Automated reporting also enhances the Commission's ability to quantify the effects of policy proposals. The Commission has granted all carriers forbearance from many of the requirements of ARMIS 43–08 conditioned on approval of a data retention compliance plan and continued submission of certain ARMIS 43–08 data related to access lines in service to customers.

Federal Communications Commission.

Katura Jackson,

Federal Register Liaison, Office of the Secretary.

[FR Doc. 2021–18178 Filed 8–23–21; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–1122; FR ID 43943]

Information Collection Being Reviewed by the Federal Communications Commission

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act of 1995 (PRA), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper

performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written PRA comments should be submitted on or before October 25, 2021. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicole Ongele, FCC, via email *PRA@fcc.gov* and to *Nicole.Ongele@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Nicole Ongele, (202) 418–2991.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–1122.

Title: Preparation of Annual Reports to Congress for the Collection and Expenditure of Fees or Charges for Enhanced 911 (E911) Services under the NET 911 Improvement Act of 2008.

Form Number: Not applicable.

Type of Review: Revision of a currently approved collection.

Respondents: State, Local, and Tribal governments.

Number of Respondents and Responses: 66 Respondents; 66 Responses.

Estimated Time per Response: 55 hours.

Frequency of Response: Annual and one-time reporting requirement.

Obligation to Respond: Voluntary. Statutory authority for this information collection is contained in New and Emerging Technologies 911 Improvement Act of 2008, Public Law 110–283, 122 Stat. 2620 (2008) (NET 911 Act), and the Consolidated Appropriations Act, 2021, Public Law 116–260, Division FF, Title IX, Section 902, Don't Break Up the T-Band Act of 2020 (section 902).

Total Annual Burden: 3,630 hours.

Total Annual Cost: No Cost.

Privacy Act Impact Assessment: No Impact(s).

Nature and Extent of Confidentiality: There is no need for confidentiality.

Needs and Uses: The Federal Communications Commission (Commission) is directed by statute (New and Emerging Technologies 911 Improvement Act of 2008, Public Law 110–283, 122 Stat. 2620 (2008) (NET 911 Act), as amended by the Consolidated Appropriations Act, 2021, Public Law 116–260, Division FF, Title IX, Section 902, Don't Break Up the T-Band Act of 2020 (section 902), to submit an annual ''Fee Accountability Report'' to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives ''detailing the status in each State of the collection and distribution of [911 fees or charges], and including findings on the amount of revenues obligated or expended by each State or political subdivision thereof for any purpose or function other than the purposes and functions designated in the final rules issued under paragraph (3) as purposes and functions for which the obligation or expenditure of any such fees or charges is acceptable.'' 47 U.S.C. 615a–1(f)(2), as amended. Section 615a–1(f)(3) of the statute directs the Commission, not later than 180 days after December 27, 2020, to ''issue final rules designating purposes and functions for which the obligation or expenditure of 9–1–1 fees or charges, by any State or taxing jurisdiction authorized to impose such a fee or charge, is acceptable.'' 47 U.S.C. 615a–1(f)(3), as amended. The statute directs the Commission to submit its first annual report within one year after the date of enactment of the NET 911 Act. Given that the NET 911 Act was enacted on July 23, 2008, the first annual report was due to Congress on July 22, 2009. In addition, the statute provides that ''[i]f a State or taxing jurisdiction . . . receives a grant under section 942 of this title after December 27, 2020, such State or taxing jurisdiction shall, as a condition of receiving such grant, provide the information requested by the Commission to prepare [the annual Fee Accountability Report to Congress].'' 47 U.S.C. 615a–1(f)(4), as amended.

Description of Information Collection: The Commission will collect information for the annual preparation of the Fee Accountability Report via a web-based survey that appropriate state officials (*e.g.,* state 911 administrators and budget officials) will be able to access to submit data pertaining to the collection and distribution of fees or charges for the support or implementation of 911 or enhanced 911 services, including data regarding whether their respective state collects and distributes such fees or charges, as well as the nature (*e.g.,* amount and method of assessment or collection) and the amount of revenues obligated or expended for any purpose or function other than the purposes and functions designated as acceptable in the Commission's final rules. Consistent with 47 U.S.C. 615a–1(f)(3)(D)(iii), the Commission will request that state officials report this information with respect to 911 fees or charges within their state, including any political subdivision, Indian tribe, and/or village or regional corporation serving any region established pursuant to the Alaska Native Claims Settlement Act within their state boundaries. 47 U.S.C. 615a–1(f)(3)(D)(iii). In addition, consistent with the definition of ''State'' set out in 47 U.S.C. 615b, the Commission will collect this information from the District of Columbia and the inhabited U.S. territories and possessions. 47 U.S.C. 615b.

Federal Communications Commission.

Katura Jackson,

Federal Register Liaison, Office of the Secretary.

[FR Doc. 2021–18179 Filed 8–23–21; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–1259; FR ID 43708]

Information Collection Being Reviewed by the Federal Communications Commission Under Delegated Authority

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (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. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the

information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees. The FCC may not conduct or sponsor a collection of information unless it displays a currently valid 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 Office of Management and Budget (OMB) control number.

DATES: Written PRA comments should be submitted on or before October 25, 2021. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicole Ongele, FCC, via email *PRA@fcc.gov* and to *Nicole.Ongele@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Nicole Ongele at (202) 418–2991.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–1259.

Title: Intermediate Provider Registry, WC Docket No. 13–39.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents and Responses: 100 respondents; 100 responses.

Estimated Time per Response: 1 hour.

Frequency of Response: Third-party disclosure; one-time reporting requirement; on occasion reporting requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this collection is contained in sections 1, 4(i), 201(b), 202(a), 217, and 262 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 201(b), 202(a), 217, and 262.

Total Annual Burden: 100 hours.

Total Annual Cost: No Cost.

Privacy Act Impact Assessment: No impact.

Nature and Extent of Confidentiality: The Commission is not requesting that the respondents submit confidential information to the FCC. Respondents may, however, request confidential treatment for information they believe to be confidential under 47 CFR 0.459 of the Commission's rules.

Needs and Uses: The Improving Rural Call Quality and Reliability Act of 2017 (RCC Act), Public Law 115–129, requires the Commission establish a registry for intermediate providers and requires intermediate providers register with the Commission before offering to transmit covered voice communications. The information that would continue to be collected through this information collection will be used to implement Congress's direction to the Commission to establish an intermediate provider registry.

Federal Communications Commission.

Katura Jackson,

Federal Register Liaison, Office of the Secretary.

[FR Doc. 2021–18180 Filed 8–23–21; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–XXXX; FR ID 43608]

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 September 23, 2021.

ADDRESSES: Comments should be sent to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Your comment must be submitted into *www.reginfo.gov* per the above instructions for it to be considered. In addition to submitting in *www.reginfo.gov* also send a copy of your comment on the proposed information collection to Cathy Williams, FCC, via email to *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.* Include in the comments the OMB control number as shown in the **SUPPLEMENTARY INFORMATION** below.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection, contact Cathy Williams at (202) 418–2918. To view a copy of this information collection request (ICR) submitted to OMB: (1) Go to the web page *http://www.reginfo.gov/public/do/PRAMain,* (2) look for the section of the web page called ''Currently Under Review,'' (3) click on the downward-pointing arrow in the ''Select Agency'' box below the ''Currently Under Review'' heading, (4) select ''Federal Communications Commission'' from the list of agencies presented in the ''Select Agency'' box, (5) click the ''Submit'' button to the right of the ''Select Agency'' box, (6) when the list of FCC ICRs currently under review appears, look for the Title of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

SUPPLEMENTARY INFORMATION: The Commission may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

As part of its continuing effort to reduce paperwork burdens, as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the FCC invited the general public and other Federal Agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology. Pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, see 44 U.S.C.

3506(c)(4), the FCC seeks specific comment on how it might ''further reduce the information collection burden for small business concerns with fewer than 25 employees.''

OMB Control Number: 3060–XXXX.

Title: FCC Authorization for Radio Service License—3.45 GHz Band Service.

Form Number: N/A.

Type of Review: New collection.

Respondents: Business or other for-profit entities, state, local, or tribal government, and not for profit institutions.

Number of Respondents and Responses: 56 respondents, 8,201 responses.

Estimated Time per Response: 5–20 hours.

Frequency of Response: Third party disclosure requirement; on occasion reporting requirement and periodic reporting requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for these collections are contained in 47 U.S.C. 151, 152, 154, 154(i), 155(c), 157, 201, 202, 208, 214, 301, 302a, 303, 307, 308, 309, 310, 311, 314, 316, 319, 324, 331, 332, 333, 336, 534, 535, and 554 of the Communications Act of 1934.

Total Annual Burden: 9,200 hours.

Total Annual Cost: $10,353,000.

Needs and Uses: On March 17, 2021, the Federal Communications Commission (''Commission'' or ''FCC'') adopted a Second Report and Order, FCC 21–32, GN Docket No. WT–19–348 (Second Report and Order) that establishes rules for flexible-use wireless access to the 100 megahertz in the 3450–3550 MHz (3.45 GHz) band, creating the new 3.45 GHz Service. The rules will create additional capacity for wireless broadband allowing full-power operations across the band in the entire contiguous United States, while also ensuring full protection of incumbent Federal operations remaining in particular locations. As part of this process, the Commission also adopted rules related to the relocation of incumbent non-Federal radiolocation operations, the selection of a third-party reimbursement clearinghouse, and reimbursement of expenses related to such relocation.

Sections 2.016 and 27.1603 require a 3.45 GHz Service licensee whose license area overlaps with a Cooperative Planning Area or Periodic Use Area, as defined in those sections, to coordinate deployments pursuant to those licenses in those areas with relevant Federal agencies. This coordination may take the form of a mutually acceptable operator-to-operator coordination agreement between the licensee and the relevant Federal agency. In the absence of such an agreement, this coordination will include a formal request for access through a Department of Defense online portal, which will include the submission of information related to the technical characteristics of the base stations and associated mobile units to be used in the covered area. It does not require a revision to the FCC Form 601.

Section 27.1605 provides for the selection of a reimbursement clearinghouse and requires non-Federal, secondary radiolocation operations which are relocating from the 3.45 GHz band to alternate spectrum to clear the band for new flexible-use wireless operations to submit certain information to the clearinghouse in order to ensure their relocation costs are fairly reimbursed. It does not require a revision to the FCC Form 601.

Section 27.1607 requires 3.45 GHz Service licensees to share certain information about their network operations in that band with operators in the adjacent Citizens Broadband Radio Service in order to enable the latter to synchronize their operations to reduce the risk of harmful interference. In response to a request by a Citizens Broadband Radio Service operator, a 3.45 GHz Service licensee must provide information to enable Time Division Duplex synchronization. The exact nature of the information to be provided will be determined by a negotiation between the two entities, conducted on a good faith basis. The 3.45 GHz Service licensee must keep the information current as its network operations change. This does not require a revision to the FCC Form 601.

Section 27.14(w) requires 3.45 GHz Service licensees to provide information on the extent to which they provide service in their license areas. Licensees are required to file two such reports: The first four (4) years after its initial license grant and the second eight (8) years after such grant, unless they failed to meet the first set of performance requirements, in which case the second report is due seven (7) years after the initial grant. These reports are filed alongside the Form 601 and require no revisions to it.

Federal Communications Commission.

Katura Jackson,

Federal Register Liaison, Office of the Secretary.

[FR Doc. 2021–18181 Filed 8–23–21; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at *https://www.federalreserve.gov/foia/request.htm.* Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)).

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington, DC 20551–0001, not later than September 23, 2021.

A. Federal Reserve Bank of Richmond (Adam M. Drimer, Assistant Vice President) 701 East Byrd Street, Richmond, Virginia 23219. Comments can also be sent electronically to or *Comments.applications@rich.frb.org:*

1. *First Bancorp, Southern Pines, North Carolina;* to acquire Select Bancorp, Inc., and thereby indirectly acquire Select Bank & Trust Company, both of Dunn, North Carolina.

Board of Governors of the Federal Reserve System, August 19, 2021.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2021–18197 Filed 8–23–21; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Notice of Proposals To Engage in or To Acquire Companies Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y, (12 CFR part 225) to engage de novo, or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at *https://www.federalreserve.gov/foia/request.htm.* Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington, DC 20551–0001, not later than September 8, 2021.

A. Federal Reserve Bank of Atlanta (Erien O. Terry, Assistant Vice President) 1000 Peachtree Street NE, Atlanta, Georgia 30309. Comments can also be sent electronically to *Applications.Comments@atl.frb.org:*

1. *Peoples Bancshares, Inc., through its nonbank subsidiary, PB Community Impact Fund, LLC, both of Mendenhall, Mississippi;* to engage de novo in community development activities pursuant to section 225.28(b)(12) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, August 19, 2021.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2021–18198 Filed 8–23–21; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Supplemental Evidence and Data Request on Schedule of Visits and Use of Telemedicine for Routine Antenatal Care

AGENCY: Agency for Healthcare Research and Quality (AHRQ), HHS.

ACTION: Request for supplemental evidence and data submissions.

SUMMARY: The Agency for Healthcare Research and Quality (AHRQ) is seeking scientific information submissions from the public. Scientific information is being solicited to inform our review on *Schedule of Visits and Use of Telemedicine for Routine Antenatal Care,* which is currently being conducted by the AHRQ's Evidence-based Practice Centers (EPC) Program. Access to published and unpublished pertinent scientific information will improve the quality of this review.

DATES: *Submission Deadline* on or before September 23, 2021.

ADDRESSES:

Email submissions: epc@ahrq.hhs.gov.

Print submissions:

Mailing Address: Center for Evidence and Practice Improvement, Agency for Healthcare Research and Quality, ATTN: EPC SEADs Coordinator, 5600 Fishers Lane, Mail Stop 06E53A, Rockville, MD 20857.

Shipping Address (FedEx, UPS, etc.): Center for Evidence and Practice Improvement, Agency for Healthcare Research and Quality, ATTN: EPC SEADs Coordinator, 5600 Fishers Lane, Mail Stop 06E77D, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Jenae Benns, Telephone: 301–427–1496 or Email: *epc@ahrq.hhs.gov.*

SUPPLEMENTARY INFORMATION: The Agency for Healthcare Research and Quality has commissioned the Evidence-based Practice Centers (EPC) Program to complete a review of the evidence for *Schedule of Visits and Use of Telemedicine for Routine Antenatal Care.* AHRQ is conducting this technical brief pursuant to Section 902 of the Public Health Service Act, 42 U.S.C. 299a.

The EPC Program is dedicated to identifying as many studies as possible that are relevant to the questions for each of its reviews. In order to do so, we are supplementing the usual manual and electronic database searches of the literature by requesting information from the public (*e.g.,* details of studies conducted). We are looking for studies that report on *Schedule of Visits and Use of Telemedicine for Routine Antenatal Care,* including those that describe adverse events. The entire research protocol is available online at: *https://effectivehealthcare.ahrq.gov/products/schedule-visits-antenatal-care/protocol.*

This is to notify the public that the EPC Program would find the following information on *Schedule of Visits and Use of Telemedicine for Routine Antenatal Care* helpful:

- A list of completed studies that your organization has sponsored for this indication. In the list, please *indicate whether results are available on ClinicalTrials.gov along with the ClinicalTrials.gov trial number.*
- *For completed studies that do not have results on ClinicalTrials.gov,* a summary, including the following elements: Study number, study period, design, methodology, indication and diagnosis, proper use instructions, inclusion and exclusion criteria, primary and secondary outcomes, baseline characteristics, number of patients screened/eligible/enrolled/lost to follow-up/withdrawn/analyzed, effectiveness/efficacy, and safety results.
- *A list of ongoing studies that your organization has sponsored for this indication.* In the list, please provide the *ClinicalTrials.gov* trial number or, if the trial is not registered, the protocol for the study including a study number, the study period, design, methodology, indication and diagnosis, proper use instructions, inclusion and exclusion criteria, and primary and secondary outcomes.
- Description of whether the above studies constitute *ALL Phase II and above clinical trials* sponsored by your organization for this indication and an index outlining the relevant information in each submitted file.

Your contribution is very beneficial to the Program. Materials submitted must be publicly available or able to be made public. Materials that are considered confidential; marketing materials; study types not included in the review; or information on indications not included in the review cannot be used by the EPC Program. This is a voluntary request for information, and all costs for complying with this request must be borne by the submitter.

The draft of this review will be posted on AHRQ's EPC Program website and available for public comment for a period of 4 weeks. If you would like to be notified when the draft is posted, please sign up for the email list at:

https://www.effectivehealthcare.ahrq.gov/email-updates.

The systematic review will answer the following questions. This information is provided as background. AHRQ is not requesting that the public provide answers to these questions.

Key Questions (KQs)

KQ 1: What are the benefits and harms of different antenatal care schedules that vary by number or timing of visits for pregnancies requiring routine care and monitoring?

KQ 2: What are the benefits and harms of telemedicine for providing routine antenatal care during pregnancy?

KQ 3: What are patient, partner/family, and provider perspectives, preferences, and experiences related to antenatal care visit schedules and use of telemedicine for routine antenatal care?

PICOTS (POPULATION, INTERVENTION, COMPARATOR, OUTCOME, TIMING, SETTING)

Category	Definition
Population	KQ 1 & 2: • Pregnant individuals receiving routine/standard/basic/traditional antenatal care. • Allow studies of pregnant individuals at increased risk of poor outcomes (*e.g.,* with gestational diabetes, gestational hypertension, fetal growth restriction, those receiving part of their antenatal care by maternal-fetal medicine [MFM] or other specialists), as long as the study pertains to their routine antenatal care (*i.e.,* not specifically to their enhanced care for their high-risk condition). KQ3: • Pregnant individuals. • Postpartum individuals. • Individuals considering or planning pregnancy. • Partners/family. • Providers of antenatal care (any profession or licensure). Allow studies that include high-risk patients, as long as the interventions being assessed pertain to routine care.
Interventions	KQ1: • Defined routine antenatal care schedules with focus on: ▪ Total number of planned visits. ▪ Overall schedule (timing, frequency, cadence). ▪ Number of planned in-person visits. • Providers of routine antenatal visits include: Obstetricians/gynecologists, nurse practitioners, nurse midwives, nurses, physician assistants, family medicine clinicians. • Include interventions designed to evaluate different types of providers (*e.g.,* a nurse instead of a doctor) if there is a concomitant comparison of different schedule of planned visits. • Include interventions designed to evaluate group visits if the group visits replace individual visits and there is a concomitant comparison of different schedule of planned visits. • Include interventions designed to evaluate home visits if the home visits replace in-clinic visits and there is a concomitant comparison of different schedule of planned visits. KQ2: • Antenatal care programs using telemedicine, including remote synchronous (real-time visits such as video calls) and asynchronous interactions (*e.g.,* portal email discussions). Allow inclusion of devices designed to transmit information *only if use* of the devices are part of telemedicine interactions between patients and providers. KQ3: • Routine antenatal care, specific to interventions covered in KQ 1 and 2.
Comparators	KQ1: • Standard, routine, or alternative antenatal care schedule (as defined by the study). KQ2: • All in-person care, alternative telemedicine/remote care. • No (explicit) comparator. KQ3: • Not applicable.
Outcomes (prioritized outcomes have an asterisk).	KQ1 & KQ2: • Pregnancy complications: ▪ Maternal mortality. ▪ Antenatal pregnancy complications. ▪ Delivery-related complications. • Other maternal health outcomes: ▪ Delivery outcomes. ▪ Inappropriate weight gain. ▪ Postpartum contraception—must be adjusted to account for patient preferences. • Maternal psychosocial, preferences, and related outcomes: ▪ Quality of life measures.* ▪ Psychosocial measures. ▪ Mental health measures or diagnosis (*e.g.,* anxiety, depression).* ▪ Patient satisfaction with antenatal care.* ▪ Patient preferences. ▪ Resources. • Fetal/neonatal/infant outcomes: ▪ Delivery timing. ▪ Mortality. ▪ Perinatal morbidity (*e.g.,* birth trauma).

PICOTS (POPULATION, INTERVENTION, COMPARATOR, OUTCOME, TIMING, SETTING)—Continued

Category	Definition
	▪ Small for gestational age (*e.g.,* birth weight <10% for similar age neonates),* low birth weight (*e.g.,* <2.5 kg [5 lb, 8 oz]).* ▪ Abnormal Apgar score (threshold, *e.g.* <7).* ▪ Breastfeeding *—must be adjusted to account for patient preferences. ▪ Need for social services. • Care utilization: ▪ Attendance at planned antenatal visits (adherence/compliance). ▪ Completion of ACOG recommended services.* ▪ Number of unplanned visits.* ▪ Number of referrals to other providers. ▪ Unplanned hospital admissions. ▪ Emergency room/triage visits. ▪ Neonatal intensive care unit [NICU] admissions */length of stay. ▪ Number of unplanned contacts (*e.g.,* portal/phone messages). • Provider outcomes: ▪ Provider satisfaction with antenatal care. • Harms: ▪ Overdiagnosis (''unnecessary'' negative workups or misdiagnoses). ▪ Delayed diagnoses (*e.g.,* gestational diabetes).* ▪ Harms to marginalized groups/equity outcomes.
Study Design	KQ3: • Perspectives and preferences related to interventions covered by KQ 1 and KQ 2. • Barriers and facilitators related to interventions covered by KQ 1 and KQ 2. KQ1 & KQ2: • Comparative studies (comparisons of different interventions), including parallel design, pre-post studies, and other comparisons. ▪ Randomized or observational (nonrandomized). ▪ Prospective or retrospective. • Surveys that compare interventions (specifically for patient preferences and satisfaction). • Registry (*e.g.,* PRAMS [Pregnancy Risk Assessment Monitoring System], National family study) and other retrospective data sources may be eligible, but only if the comparison is between different numbers of planned or scheduled visits (KQ1) or if there is a specific evaluation of telemedicine (KQ2). • Single group studies (no direct comparison of interventions). ▪ Preference and satisfaction outcomes only. • N ≥10 per intervention group. • (Existing systematic reviews and guidelines will be used as sources of otherwise missed eligible studies). KQ3: • Qualitative studies. • Interviews. • Focus groups. • Ethnographic studies. • Surveys with open-ended questions amenable to qualitative analysis.
Timing	KQ1 & KQ2: • Interventions: During antenatal period (excluding labor and delivery). • Followup/Outcomes: Any (antenatal, peripartum, postpartum, or later). KQ3: • Any (as long as interventions of interest occurred during antenatal period).
Setting	All KQs: • High income countries based on World Bank classifications. • Outpatient care.

Dated: August 18, 2021.

Marquita Cullom,

Associate Director.

[FR Doc. 2021–18125 Filed 8–23–21; 8:45 am]

BILLING CODE 4160–90–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Agency for Healthcare Research and Quality, HHS.

ACTION: Notice.

SUMMARY: This notice announces the intention of the Agency for Healthcare Research and Quality (AHRQ) to request that the Office of Management and Budget (OMB) approve the renewal of the information collection project ''Medical Office Survey on Patient Safety Culture Database.'' This proposed information collection was previously published in the **Federal Register** on May 3rd, 2021 and allowed 60 days for public comment. AHRQ did not receive any substantive comments from members of the public. The purpose of this notice is to allow an additional 30 days for public comment.

DATES: Comments on this notice must be received by September 23, 2021.

ADDRESSES: Written comments should be submitted to: Doris Lefkowitz, Reports Clearance Officer, AHRQ, by email at *doris.lefkowitz@AHRQ.hhs.gov.*

Copies of the proposed collection plans, data collection instruments, and specific details on the estimated burden can be obtained from the AHRQ Reports Clearance Officer.

FOR FURTHER INFORMATION CONTACT: Doris Lefkowitz, AHRQ Reports Clearance Officer, (301) 427–1477, or by email at *doris.lefkowitz@AHRQ.hhs.gov.*

SUPPLEMENTARY INFORMATION:

Proposed Project

Medical Office Survey on Patient Safety Culture Database

In 1999, the Institute of Medicine called for health care organizations to develop a ''culture of safety'' such that their workforce and processes focus on improving the reliability and safety of care for patients (IOM, 1999; *To Err is Human: Building a Safer Health System*). To respond to the need for tools to assess patient safety culture in health care, AHRQ developed and pilot tested the Medical Office Survey on Patient Safety Culture with OMB approval (OMB No. 0935–0131; Approved July 5, 2007).

The survey is designed to enable medical offices to assess provider and staff perspectives about patient safety issues, medical error, and error reporting. The survey includes 38 items that measure 10 composites of patient safety culture. In addition to the composite items, 14 items measure staff perceptions how often medical offices have problems exchanging information with other settings as well as other patient safety and quality issues. AHRQ made the survey publicly available along with a Survey User's Guide and other toolkit materials in December 2008 on the AHRQ website.

The AHRQ Medical Office SOPS Database consists of data from the AHRQ Medical Office Survey on Patient Safety Culture and may include reportable, non-required supplemental items. Medical offices in the U.S. can voluntarily submit data from the survey to AHRQ, through its contractor, Westat. The Medical Office SOPS Database (OMB No. 0935–0196, last approved on September 10, 2018) was developed by AHRQ in 2011 in response to requests from medical offices interested in tracking their own survey results. Those organizations submitting data receive a feedback report, as well as a report of the aggregated, de-identified findings of the other medical offices submitting data. These reports are used to assist medical office staff in their efforts to improve patient safety culture in their organizations.

Rationale for the information collection. The Medical Office SOPS and the Medical Office SOPS Database support AHRQ's goals of promoting improvements in the quality and safety of health care in medical office settings. The survey, toolkit materials, and database results are all made publicly available on AHRQ's website. Technical assistance is provided by AHRQ through its contractor at no charge to medical offices, to facilitate the use of these materials for medical office patient safety and quality improvement.

Request for information collection approval. AHRQ requests that OMB reapprove, under the Paperwork Reduction Act, 44 U.S.C. 3501–3521, AHRQ's collection of information for the AHRQ Medical Office SOPS Database; OMB No. 0935–0196, last approved on September 10, 2018.

This database:

(1) Presents results from medical offices that voluntarily submit their data,

(2) Provides data to medical offices to facilitate internal assessment and learning in the patient safety improvement process, and

(3) Provides supplemental information to help medical offices identify their strengths and areas with potential for improvement in patient safety culture.

This study is being conducted by AHRQ through its contractor, Westat, pursuant to AHRQ's statutory authority to conduct and support research on healthcare and on systems for the delivery of such care, including activities with respect to: The quality, effectiveness, efficiency, appropriateness and value of healthcare services; quality measurement and improvement; and database development. 42 U.S.C. 299a(a)(1), (2), and (8).

Method of Collection

To achieve the goal of this project the following activities and data collections will be implemented:

(1) Eligibility and Registration Form—The medical office point-of-contact (POC) completes a number of data submission steps and forms, beginning with the completion of an online Eligibility and Registration Form. The purpose of this form is to collect basic demographic information about the medical office and initiate the registration process.

(2) Data Use Agreement—The purpose of the data use agreement, completed by the medical office POC, is to state how data submitted by medical offices will be used and provides privacy assurances.

(3) Medical Office Site Information Form—The purpose of the site information form also completed by the medical office POC, is to collect background characteristics of the medical office. This information will be used to analyze data collected with Medical Office SOPS survey.

(4) Data Files Submission—POCs upload their data file(s), using the medical office data file specifications, to ensure that users submit standardized and consistent data in the way variables are named, coded, and formatted. The number of submissions to the database is likely to vary each year because medical offices do not administer the survey and submit data every year. Data submission is typically handled by one POC who is either an office manager or a survey vendor who contracts with a medical office to collect their data. POCs submit data on behalf of 20 medical offices, on average, because many medical offices are part of a health system that includes many medical office sites, or the POC is a vendor that is submitting data for multiple medical offices.

Survey data from the AHRQ Medical Office Survey on Patient Safety Culture are used to produce three types of products:

(1) A Medical Office SOPS Database Report that is made publicly available on the AHRQ website; and

(2) Individual Medical Office Survey Feedback Reports that are customized for each medical office that submits data to the database; and

(3) Research data sets of individual-level and medical office-level de-identified data to enable researchers to conduct analyses. All data released in a data set are de-identified at the individual-level and the medical office-level.

Estimated Annual Respondent Burden

Exhibit 1 shows the estimated annualized burden hours for the respondents' time to participate in the database. An estimated 85 POCs, each representing an average of 20 individual medical offices each, will complete the database submission steps and forms. Each POC will submit the following:

- Eligibility and registration form (completion is estimated to take about 3 minutes).
- Data Use Agreement (completion is estimated to take about 3 minutes).
- Medical Office Information Form (completion is estimated to take about 5 minutes).
- Survey data submission will take an average of one hour.

The total burden is estimated to be 235.5 hours.

Exhibit 2 shows the estimated annualized cost burden based on the respondents' time to submit their data. The cost burden is estimated to be $12,312 annually.

EXHIBIT 1—ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Number of respondents/ POCs	Number of responses per POC	Hours per response	Total burden hours
Eligibility/Registration Form	85	1	3/60	4.25
Data Use Agreement	85	1	3/60	4.25
Medical Office Information Form	85	20	5/60	142
Data Files Submission	85	1	1	85
Total	NA	NA	NA	235.5

EXHIBIT 2—ESTIMATED ANNUALIZED COST BURDEN

Form name	Number of respondents/ POCs	Total burden hours	Average hourly wage rate *	Total cost burden
Registration Form	85	4.25	$52.28	$222
Data Use Agreement	85	4.25	52.28	222
Medical Office Information Form	85	142	52.28	7,424
Data Files Submission	85	85	52.28	4,444
Total	NA	235.5	NA	12,312

* Mean hourly wage rate of $52.28 for Medical and Health Services Managers (SOC code 11–9111) was obtained from the May 2019 National Industry-Specific Occupational Employment and Wage Estimates, NAICS 621100—Offices of Physicians located at *https://www.bls.gov/oes/current/naics4_621100.htm.*

Request for Comments

In accordance with the Paperwork Reduction Act, comments on AHRQ's information collection are requested with regard to any of the following: (a) Whether the proposed collection of information is necessary for the proper performance of AHRQ's health care research and health care information dissemination functions, including whether the information will have practical utility; (b) the accuracy of AHRQ's estimate of burden (including hours and costs) of the proposed collection(s) of information; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information upon the respondents, including the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the Agency's subsequent request for OMB approval of the proposed information collection. All comments will become a matter of public record.

Dated: August 18, 2021.

Marquita Cullom,

Associate Director.

[FR Doc. 2021–18126 Filed 8–23–21; 8:45 am]

BILLING CODE 4160–90–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2021–N–0856]

Vaccines and Related Biological Products Advisory Committee; Notice of Meeting; Establishment of a Public Docket; Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; establishment of a public docket; request for comments.

SUMMARY: The Food and Drug Administration (FDA or Agency) announces a forthcoming public advisory committee meeting of the Vaccines and Related Biological Products Advisory Committee (VRBPAC). The general function of the committee is to provide advice and recommendations to FDA on regulatory issues. Members will participate via teleconference. At least one portion of the meeting will be closed to the public. FDA is establishing a docket for public comment on this document.

DATES: The meeting will be held on September 30, 2021, from 8:30 a.m. to 3:40 p.m. Eastern Time.

ADDRESSES: Please note that due to the impact of this COVID–19 pandemic, all meeting participants will be joining this advisory committee meeting via an online teleconferencing platform. The online web conference meeting will be available at the following link on the day of the meeting: *https://youtu.be/VeknygU5MKM.*

FDA is establishing a docket for public comment on this meeting. The docket number is FDA–2021–N–0856. The docket will close on September 29, 2021. Submit either electronic or written comments on this public meeting by September 29, 2021. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before September 29, 2021. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of September 29, 2021. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Comments received on or before September 23, 2021, will be provided to the committee. Comments received after September 23, 2021, and by September 29, 2021, will be taken into consideration by FDA. In the event that the meeting is canceled, FDA will continue to evaluate any relevant applications or information, and consider any comments submitted to the docket, as appropriate.

You may submit comments as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2021–N–0856 for ''Vaccines and Related Biological Products; Notice of Meeting; Establishment of a Public Docket; Request for Comments.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' FDA will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify the information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

FOR FURTHER INFORMATION CONTACT: Kathleen Hayes or Monique Hill, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 6307C, Silver Spring, MD 20993–0002, 301–796–7864, *Kathleen.Hayes@fda.hhs.gov,* or 301–796–4620, *Monique.Hill@fda.hhs.gov,* respectively; or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area). A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the Agency's website at *https://www.fda.gov/AdvisoryCommittees/default.htm* and scroll down to the appropriate advisory committee meeting link, or call the advisory committee information line to learn about possible modifications before coming to the meeting.

SUPPLEMENTARY INFORMATION:

Agenda: The meeting presentations will be heard, viewed, captioned, and recorded through an online teleconferencing platform. On September 30, 2021, under Topic I, the committee will meet in open session to hear an overview of the research programs in the Laboratory of Bacterial Polysaccharides, Division of Bacterial, Parasitic, and Allergenic Products, Office of Vaccines Research and Review, and the Center for Biologics Evaluation and Research (CBER). Also, on September 30, 2021, under Topic II, CBER's VRBPAC will meet in open session to discuss and make recommendations on the selection of strains to be included in the influenza virus vaccines for the 2021 to 2022 southern hemisphere influenza season.

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its website prior to the meeting, background material will be made publicly available on FDA's website at the time of the advisory committee meeting. Background material and the link to the online teleconference meeting room will be available at *https://www.fda.gov/advisory-committees/advisory-committee-calendar.* Scroll down to the appropriate advisory committee meeting link. The meeting will include slide presentations with audio components to allow the presentation of materials in a manner that most closely resembles an in-person advisory committee meeting.

Procedure: On September 30, 2021, under Topic I, from 8:30 a.m. to 10:45 a.m. the meeting is open to the public. On September 30, 2021, under Topic II, from 12:15 p.m. to 3:40 p.m. the meeting is open to the public. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. All electronic and written submissions submitted to the Docket (see **ADDRESSES**) on or before September 23, 2021, will be provided to the committee. Oral presentations from the public will be scheduled between approximately 10:15 a.m. and 10:45 a.m. under Topic I and from 2:10 p.m. and 2:40 p.m. under Topic II. Those individuals interested in making formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time

requested to make their presentation on or before September 15, 2021. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by September 16, 2021.

Closed Committee Deliberations: On September 30, 2021, from 10:45 a.m. to 11:45 a.m., the meeting will be closed to permit discussion where disclosure would constitute a clearly unwarranted invasion of personal privacy (5 U.S.C. 552b(c)(6)). The recommendations of the advisory committee regarding the progress of the individual investigator's research programs along with other information, will be discussed during this session. We believe that public discussion of these recommendations on individual scientists would constitute an unwarranted invasion of personal privacy.

For press inquiries, please contact the Office of Media Affairs at *fdaoma@fda.hhs.gov* or 301–796–4540.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with disabilities. If you require accommodations due to a disability, please contact Kathleen Hayes (*CBERVRBPAC@fda.hhs.gov*) at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our website at: *https://www.fda.gov/advisory-committees/about-advisory-committees/public-conduct-during-fda-advisory-committee-meetings* for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: August 18, 2021.

Lauren K. Roth,

Acting Principal Associate Commissioner for Policy.

[FR Doc. 2021–18107 Filed 8–23–21; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2021–N–0891]

Reauthorization of the Prescription Drug User Fee Act; Public Meeting; Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public meeting; request for comments.

SUMMARY: The Food and Drug Administration (FDA, the Agency, or we) is hosting a virtual public meeting entitled ''Reauthorization of the Prescription Drug User Fee Act.'' The purpose of the public meeting is to discuss proposed recommendations for the reauthorization of the Prescription Drug User Fee Act (PDUFA) for fiscal years (FYs) 2023 through 2027. PDUFA authorizes FDA to collect user fees to support the process for the review of human drug applications. The current legislative authority for PDUFA expires in September 2022. At that time, new legislation will be required for FDA to continue collecting prescription drug user fees in future fiscal years. Following discussions with the regulated industry and periodic consultations with public stakeholders, the Federal Food, Drug, and Cosmetic Act (FD&C Act) directs FDA to publish the recommendations for the reauthorized program in the **Federal Register**, hold a meeting at which the public may present its views on such recommendations, and provide for a period of 30 days for the public to provide written comments on such recommendations. FDA will then consider such public views and comments and revise such recommendations, as necessary.

DATES: The public meeting will be held on September 28, 2021, from 9 a.m. to 2 p.m. Eastern Time, and will be held by webcast only. Submit either electronic or written comments on this public meeting by October 28, 2021.

ADDRESSES: Registration to attend the virtual meeting and other information can be found at *https://pdufavii-reauthorization.eventbrite.com.* See the **SUPPLEMENTARY INFORMATION** section for registration date and information.

You may submit comments as follows. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before October 28, 2021. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of October 28, 2021. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.* If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked, and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2021–N–0891 for ''Reauthorization of the Prescription Drug User Fee Act; Public Meeting; Request for Comments.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9

a.m. and 4 p.m., Monday through Friday, 240–402–7500.

• Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500. Transcripts of the meeting will be available on FDA's website at *https://www.fda.gov/industry/prescription-drug-user-fee-amendments/pdufa-vii-fiscal-years-2023-2027* approximately 30 days after the meeting.

FOR FURTHER INFORMATION CONTACT: Patrick Zhou, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 1148, Silver Spring, MD 20993–0002, 301–348–1817, *Patrick.Zhou@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

FDA is announcing a virtual public meeting to discuss proposed recommendations for the reauthorization of PDUFA, the legislation that authorizes FDA to collect user fees to support the process for the review of human drug applications. The current authorization of the program (PDUFA VI) expires in September 2022. Without new legislation, FDA will no longer be able to collect user fees for future fiscal years to fund the process for the review of human drug applications. Section 736B(f)(4) of the FD&C Act (21 U.S.C. 379h–2(f)(4)) requires that after FDA holds negotiations with regulated industry and periodic consultations with stakeholders, we do the following: (1) Present recommendations to the relevant Congressional committees, (2) publish recommendations in the **Federal Register**, (3) provide a period of 30 days for the public to provide written comments on the recommendations, (4) hold a meeting at which the public may present its views, and (5) after consideration of public views and comments, revise the recommendations as necessary.

This notice, the 30-day comment period, and the public meeting will satisfy some of these requirements. After the public meeting, we will revise the recommendations as necessary and present our proposed recommendations to the Congressional committees. The purpose of the meeting is to hear the public's views on the proposed recommendations for the reauthorized program (PDUFA VII). The following information is provided to help potential meeting participants better understand the history and evolution of the PDUFA program and the status of the proposed PDUFA VII recommendations.

II. What is PDUFA and what does it do?

The following information is provided to help potential meeting participants better understand the history and evolution of PDUFA and its status. PDUFA is a law that authorizes FDA to collect fees from drug companies that submit marketing applications for certain human drug and biological products. PDUFA was originally enacted in 1992 as the Prescription Drug User Fee Act (Pub. L. 102–571) for a period of 5 years. In 1997, Congress passed the Food and Drug Administration Modernization Act of 1997 (FDAMA, Pub. L. 105–115), which renewed the program (PDUFA II) for an additional 5 years. Congress then extended PDUFA again for another 5 years (PDUFA III), through FY 2007, in the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (Pub. L. 107–188). In 2007, Title I of the Food and Drug Administration Amendments Act of 2007 (FDAAA, Pub. L. 110–85) reauthorized PDUFA through FY 2012 (PDUFA IV, Pub. L. 112–144) and in 2012 the Food and Drug Administration Safety and Innovation Act (FDASIA) reauthorized the law through FY 2017 (PDUFA V). PDUFA was most recently renewed in 2017 under Title I of the FDA Reauthorization Act of 2017 (FDARA) which lasts through FY 2022 (PDUFA VI).

PDUFA's intent is to provide additional revenues so that FDA can hire more staff, improve systems, and establish a better managed human drug review process to make important therapies available to patients sooner without compromising review quality or FDA's high standards for safety, efficacy, and quality. As part of FDA's negotiated agreement with industry during each reauthorization, the Agency agrees to certain performance and procedural goals and other commitments that apply to aspects of the human drug review program. These goals apply, for example, to the process for the review of original new human drug and biological product applications, postmarket safety activities, and new data standards and technology enhancements.

During the first few years of PDUFA I, the additional funding enabled FDA to eliminate backlogs of original applications and supplements. Phased in over the 5 years of PDUFA I, the goals were to review and act on 90 percent of priority new drug applications (NDAs), biologics license applications (BLAs), and efficacy supplements within 6 months of submission of a complete application; to review and act on 90 percent of standard original NDAs, BLAs, and efficacy supplements within 12 months, and to review and act on resubmissions and manufacturing supplements within 6 months. Over the course of PDUFA I, FDA exceeded all these performance goals and significantly reduced median review times of both priority and standard NDAs and BLAs.

Under PDUFA II, the review performance goals were shortened, and new procedural goals were added to improve FDA's interactions with industry sponsors and to help facilitate the drug development process. The procedural goals, for example, articulated time frames for scheduling sponsor-requested meetings intended to address issues or questions regarding specific drug development programs, as well as time frames for the timely response to industry-submitted questions on special study protocols. FDA met or exceeded all the review and

procedural goals under PDUFA II. However, concerns grew that overworked review teams often had to return applications as ''approvable'' because they did not have the resources and sufficient staff time to work with the sponsors to resolve issues so that applications could be approved in the first review cycle.

A sound financial footing and support for limited postmarket risk management were key themes of PDUFA III. Base user fee resources were significantly increased and a mechanism to account for changes in human drug review workload was adopted. PDUFA III also expanded the scope of user fee activities to include postmarket surveillance of new therapies for up to 3 years after marketing approval. FDA committed to the development of guidance for industry on risk assessment, risk management, and pharmacovigilance, as well as guidance to review staff and industry on review management principles. The draft guidance for industry entitled ''Good Review Management Principles and Practices for New Drug Applications and Biologics License Applications'' (GRMPs) was originally published in April 2005 and was subsequently revised and republished in September 2018 (available at *https://www.fda.gov/media/72259/download* (83 FR 48435, September 25, 2018)).[1] Initiatives to improve application submission and Agency-sponsor interactions during the drug development and application review processes were also adopted.

With PDUFA's reauthorization under FDAAA Title I (PDUFA IV), FDA obtained a significant increase in base fee funding and committed to full implementation of GRMPs, which included providing a planned review timeline for premarket review, development of new guidance for industry on innovative clinical trials, modernization of postmarket safety, and elimination of the 3-year limitation on fee support for postmarket surveillance. Additional provisions in FDAAA (Titles IV, V, and IX) gave FDA additional statutory authority that increased the pre- and postmarket review process requirements, added new deadlines, and effectively increased review workload. Specifically, the new provisions expanded FDA's drug safety authorities, such as the authority to require risk evaluation mitigation strategies (REMS), order safety labeling changes, and require postmarket studies.

Under Title I of FDASIA, the fourth renewal of PDUFA, FDA implemented a new review program (the Program) to promote greater transparency and increase communication between FDA's review team and the applicant on the most innovative products reviewed by the Agency. The Program applied to all new molecular entity (NME) NDAs and original BLAs received by the Agency from October 1, 2012, through September 30, 2017. The Program added new opportunities for communication between the FDA review team and the applicant during review of a marketing application, including mid-cycle communications and late-cycle meetings, while adding 60 days to the review clock to provide for this increased interaction and to address review issues for these complex applications. PDUFA V also required an assessment of the impact of the Program. The independent assessment of the Program entitled ''Assessment of the Program for Enhanced Review Transparency and Communication for NME NDAs and Original BLAs in PDUFA V,'' is available at *https://www.fda.gov/media/101907/download.*

In August 2017, FDARA was enacted, which renewed the prescription drug user fee program for a fifth time. This iteration of the program continued and built upon the successes of PDUFA V. In PDUFA VI, FDA and industry members agreed to continue the Program model developed in PDUFA V to continue to promote the efficiency and effectiveness of the first cycle review process. PDUFA VI includes commitments to enhance regulatory science and expedite drug development by focusing on enhancing communication between FDA and sponsors during drug development, early consultation on the use of new surrogate endpoints, and exploring the use of real-world evidence for use in regulatory decision making, among other enhancements. This reauthorization also included commitments to enhance the use of regulatory tools to support drug development and review through incorporation of the patient's voice in drug development, expanded use of a benefit-risk framework in drug reviews, and advancing the use of complex innovative trial designs and model informed drug development. More information on these commitments can be found in the PDUFA VI commitment letter at *https://www.fda.gov/media/99140/download.*

As part of the current authorization, FDA also modernized the user fee structure to improve program funding predictability, stability, and administrative efficiency. The new structure eliminated the supplement fees, replaced the establishment and product fees with a program fee, and shifted a greater proportion of the target revenue to the new more predictable and stable annual program fee. The agreement also included commitments to enhance management of user fee resources through the development of a resource capacity planning capability and third-party evaluation of program resource management, along with the publication and annual update of a 5-year financial plan.

Recognizing the challenges with hiring in PDUFA V, the current authorization also includes several commitments to improve the hiring and retention of critical review staff through modernization of FDA's hiring system, augmentation of hiring staff capacity and capabilities, creation of a dedicated function focused on staffing the program, reporting on hiring metrics, and a comprehensive and continuous assessment of hiring and retention. Annual performance reports for the PDUFA program can be found through FDA's web page ''PDUFA Performance Reports,'' available at *https://www.fda.gov/about-fda/user-fee-performance-reports/pdufa-performance-reports.* Additionally, a list of some public-facing deliverables developed to meet PDUFA VI commitments is available on FDA's web page ''Completed PDUFA VI Deliverables,'' available at *https://www.fda.gov/industry/prescription-drug-user-fee-amendments/completed-pdufa-vi-deliverables.*

III. Proposed PDUFA VII Recommendations

In preparing the proposed recommendations to Congress for PDUFA reauthorization, FDA conducted discussions with the regulated industry and consulted with stakeholders, as required by the law. We began the PDUFA reauthorization process by publishing a notice in the **Federal Register** requesting public input on the reauthorization and announcing a public meeting that was held on July 23, 2020.[2] The meeting included presentations by FDA and a series of panels with representatives of different stakeholder groups, including patient advocates, consumer groups, regulated industry, health professionals, and academic researchers. The materials

[1] When final, this guidance will represent the FDA's current thinking on this topic. For the most recent version of a guidance, check the FDA guidance web page at *https://www.fda.gov/regulatory-information/search-fda-guidance-documents.*

[2] See ''Reauthorization of the Prescription Drug User Fee Act; Public Meeting; Request for Comments,'' 85 FR 35096, June 8, 2020.

from the meeting, including a transcript and webcast recording, can be found at *https://www.fda.gov/drugs/news-events-human-drugs/public-meeting-reauthorization-prescription-drug-user-fee-act-pdufa-07232020-07232020.*

Following the July 2020 public meeting, FDA conducted negotiations with the regulated industry and held monthly consultations with stakeholders from September 2020 through February 2021. As directed by Congress, FDA posted minutes of these meetings on its web page ''PDUFA VII: Fiscal Years 2023–2027,'' available at *https://www.fda.gov/industry/prescription-drug-user-fee-amendments/pdufa-vii-fiscal-years-2023-2027.*

The proposed enhancements for PDUFA VII address many of the top priorities identified by public stakeholders, the regulated industry, and FDA. While some of the proposed enhancements are new, many either build on successful enhancements or refine elements from the existing program. The enhancements are proposed in the following areas: Center for Biologics Evaluation and Research (CBER) product review support, premarket review, regulatory decision tools, postmarketing evaluation, digital health and informatics, chemistry, manufacturing, and controls (CMC), and financial management. The full text of the proposed PDUFA VII commitment letter can be found on the Agency's web page ''PDUFA VII: Fiscal Years 2023–2027,'' available at *https://www.fda.gov/industry/prescription-drug-user-fee-amendments/pdufa-vii-fiscal-years-2023-2027.* Each significant new or modified enhancement is described briefly below:

A. NME Milestones and Postmarketing Requirements (PMRs)

To ensure the timely availability of information on the safety and efficacy of therapies, FDA proposes to establish new timelines, performance goals, and a new process for pre-approval review of PMRs. Sponsors would also have the opportunity to request a review of existing PMRs for release. Any adopted changes and adjustments will be updated in relevant manuals of policies and procedures, standard operating procedures, and guidances. This enhancement is described in section I.C of the proposed PDUFA VII commitment letter.

B. Split Real Time Application Review Pilot Program

To allow earlier patient access to therapies that address an unmet medical need, FDA proposes establishing a pilot program for efficacy supplements that meet specific criteria. Applications that are accepted into the pilot program will be submitted in a ''split'' fashion, specifically in two parts with each component submitted approximately 2 months apart. The goal is to shorten the time from the date of complete submission of the application to the action date. This enhancement is described in section I.D of the proposed PDUFA VII commitment letter.

C. Meeting Management Goals

To improve overall meeting management, FDA proposes creating two new meeting types to better define the purpose of certain meeting requests: Type D and INTERACT. The Type D meeting allows for quicker discussion on a narrow set of issues (no more than two focused topics) between FDA and a sponsor, such as a followup question that raises a new issue after a formal meeting. The INTERACT meeting facilitates Investigational New Drug Application (IND) enabling efforts where a sponsor is facing a novel, challenging issue that might otherwise delay progress of the product towards entry into the clinic in the absence of this early FDA input. There would also be a new followup opportunity to pose clarifying questions after meetings or a written-response-only communication. These enhancements are described in section I.J of the proposed PDUFA VII commitment letter.

D. Enhancing Regulatory Science and Expediting Drug Development

The extension and continuation of FDA's efforts to enhance regulatory science and expedite drug development will encompass further evaluation and enhancement of FDA-sponsor communications, ensuring the sustained success of the breakthrough therapy program, continuing early consultations between FDA and sponsors on the use of new surrogate endpoints as the primary basis for product approval, advancing rare disease drug development, advancing the development of combination products, and exploring the use of real world evidence for use in regulatory decision making. These enhancements are described in section I.K of the proposed PDUFA VII commitment letter. Highlights from those sections are included below.

1. Advancing Development of Drugs for Rare Diseases

The lack of regulatory precedent, small trial populations, and/or limited understanding of natural history associated with rare diseases creates unique challenges when determining the appropriate efficacy endpoint(s) for clinical trials intended to evaluate the effectiveness of rare disease therapies. Though difficult to establish, well-developed efficacy endpoints, especially those that could apply to other rare diseases with similar manifestations, drive the general advancement of rare disease drug development. In addition to challenges associated with developing endpoints that appropriately capture key signs and symptoms of a rare disease and directly measure how patients feel, function, or survive, surrogate endpoint development is also challenging in diseases with slow progression, small patient populations, or other challenges commonly associated with drug development in rare diseases.

To support the advancement of rare disease treatments, FDA proposes a pilot program for supporting efficacy endpoint development for drugs that treat rare diseases by offering additional engagement opportunities with the Agency to sponsors of development programs that meet specific criteria.

2. Advancing Development of Drug-Device and Biologic Device-Combination Products Regulated by CBER and the Center for Drug Evaluation and Research (CDER)

Sponsors employ Use-Related Risk Analyses (URRA) studies to identify the need for risk mitigation strategies and to design a human factors (HF) validation study. Based on a URRA, a sponsor may propose that an HF validation study submission is not required to support the safe and effective use of a drug-device or biologic-device combination product. FDA proposes establishing new procedures for the review of URRAs along with performance goals.

HF validation studies are conducted to evaluate the user interface of a drug-device or biologic-device combination product to eliminate or mitigate use-related hazards that may affect the safe and effective use of the combination product. Over the past decade, more combination products have been developed to deliver therapeutics via different routes of administration (*e.g.,* parenteral, inhalation) with complex engineering designs. HF validation protocols are reviewed during the IND stage with the goal towards developing a final finished combination product that supports the marketing application. To achieve this objective, FDA proposes updating the procedures for HF validation study protocols along with a new performance goal.

3. Advancing Real-World Evidence for Use in Regulatory Decision Making

In accordance with Section 3022 of the 21st Century Cures Act, and by providing earlier and increased Agency advice, FDA proposes a new pilot program around real-world evidence (RWE) to improve the quality and acceptability of RWE-based approaches in support of new intended labeling claims, including approval of new indications of approved medical products or to satisfy post-approval study requirements.

E. Enhancing Regulatory Decision Tools To Support Drug Development and Review

Building on the success of PDUFA VI, the enhancements under this section focus on enhancing regulatory decision tools to support drug development and review in the areas of patient focused drug development, benefit-risk assessment in regulatory decision making, drug development tools for qualification pathway for biomarkers, model-informed drug development, and complex innovative clinical trial designs. The details of these enhancements can be found in section I.L of the proposed PDUFA VII commitment letter.

F. Enhancement and Modernization of the FDA Drug Safety System

FDA will continue to utilize user fees to enhance the drug safety system, including adopting new scientific approaches, improving the utility of existing tools for the detection, evaluation, prevention, and mitigation of adverse events, modernizing REMS assessments, and coordinating regulatory activity in the premarket and postmarket settings. Enhancements to the drug safety system will improve public health by increasing patient protection while continuing to enable access to needed medical products.

Specifically, PDUFA VII user fees will provide support for modernization and improvement of REMS assessments and optimization of the Sentinel Initiative (*https://www.fda.gov/safety/fdas-sentinel-initiative*) through: (1) Maintenance of Sentinel Initiative capabilities and continued integration into FDA drug safety activities and (2) enhancement of the analytic capabilities of the Sentinel Initiative to address questions of product safety and advance the understanding of how RWE can be used for studying effectiveness. These enhancements are described in section I.M of the proposed PDUFA VII commitment letter.

G. Enhancements Related to Product Quality Reviews, Chemistry, Manufacturing, and Controls Approaches, and Advancing the Utilization of Innovative Manufacturing Technologies

To ensure new and innovative products are developed and available to patients in a timely manner, FDA proposes several enhancements related to communication between FDA and sponsors during product quality reviews, CMC approaches, and advancing use of innovative manufacturing technologies.

For product quality reviews, these enhancements would include promoting the use of structured information requests, a third-party assessment on current practices related to information requests, and a goal to notify sponsors of certain pre-approval inspections. Given the accelerated development of certain human drug products, FDA also proposes a new pilot program to facilitate the expedited CMC development of products under an IND based upon the anticipated clinical benefit of earlier patient access to products. Additionally, FDA proposes holding a public workshop to help advance utilization and implementation of innovative manufacturing by facilitating and discussing best practices, barriers, and overall strategies. These enhancements are described in section I.N of the proposed PDUFA VII commitment letter.

H. Enhancing CBER's Capacity To Support Development, Review, and Approval of Cell and Gene Therapy Products

To ensure that new and innovative cell and gene therapy products are developed and available to patients in a timely manner, FDA proposes to build on the success of the Cell and Gene Therapy Program (CGTP) in CBER to further support and advance a balanced approach to product development and regulation. To this end, FDA will strengthen staff capacity and capability to meet the increasing challenges and demands in this growing field. Increasing staff capacity will overcome existing resource limitations, allowing staff to spend additional time on meetings and submission reviews including those with breakthrough or regenerative medicine advanced therapy designations, expand stakeholder outreach, invest in new policy and guidance, and facilitate development and use of regulatory tools and scientific technologies. These enhancements are described in section I.O of the proposed PDUFA VII commitment letter.

I. Supporting Review of New Allergenic Extract Products

FDA proposes to incorporate and include new allergenic extract products into the PDUFA program. Allergenic extract products licensed after October 1, 2022, would generally be included in user fees. Allergenic extract products licensed before October 1, 2022, and standardized allergenic extract products submitted pursuant to a notification to the applicant from the Secretary of Health and Human Services regarding the existence of a potency test that measures the allergenic activity of an allergenic extract product licensed by the applicant before October 1, 2022, would remain excluded from PDUFA. All performance goals, procedures, and commitments in this letter apply to the allergenic products included in the PDUFA program under PDUFA VII. These enhancements are described in section I.P of the proposed PDUFA VII commitment letter.

J. Continued Enhancement of User Fee Resource Management

FDA is committed to ensuring the sustainability of PDUFA program resources and to enhancing the operational agility of the PDUFA program. FDA will build on the financial enhancements included in PDUFA VI and continue activities in PDUFA VII to ensure optimal use of user fee resources and the alignment of staff to workload through the continued maturation and assessment of the Agency's resource capacity planning capability. This would also include an independent assessment of the resource capacity planning capability. FDA will also continue activities to promote transparency of the use of financial resources in support of the PDUFA program through annual public meetings, publishing a 5-year financial plan (along with annual updates), and additional reporting in the annual PDUFA Financial Report. These enhancements are described in section II of the proposed PDUFA VII commitment letter.

K. Enhancing Transparency and Leveraging Modern Technology

FDA is committed to enhancing the transparency of its information technology (IT) activities and modernization plans and will continue maintaining catalogs, standards, and plan updates that are published regularly to FDA's website in addition to the publication of a Data and Technology Modernization Strategy document and sharing regular updates on CBER IT modernization progress.

FDA will continue regular meetings between FDA and industry IT leadership to discuss challenges, emerging needs, and progress on IT initiatives relevant to PDUFA VII. Additionally, FDA will advance the use of cloud-based technology in the PDUFA program to modernize the Electronic Submission Gateway and promote innovation in drug development and the regulatory review process. These enhancements are described in section IV.A of the proposed PDUFA VII commitment letter.

L. Expanding and Enhancing Bioinformatics Support

Bioinformatics and computational biology are increasingly being used to assess product quality, safety, and efficacy, and facilitate the development, characterization, and manufacture of human drugs and biologics. Recognizing the substantial increase in the volume and diversity of bioinformatics and computational biology information and data in regulatory submissions, such as Next Generation Sequencing, FDA proposes numerous activities to meet this growing need. These activities will include developing additional expertise and staff capacity in both CDER and CBER to efficiently review and provide technical and timely feedback, assessing and strengthening the computational infrastructure to support and advance our informatics platforms, and continuing to develop data standards and to issue/revise guidances on these topics. These enhancements are described in section IV.B of the proposed PDUFA VII commitment letter.

M. Enhancing Use of Digital Health Technologies (DHTs) To Support Drug Development and Review

While the biomedical field has experienced rapid development and implementation of DHTs, FDA has limited experience evaluating novel DHT-based measurements in human drug development. FDA recognizes the potential for DHTs to provide scientific and practical advantages in supporting the assessment of patients by generating information outside of the traditional clinic visit. FDA also recognizes the need to build capacity and expertise to advise the biopharmaceutical industry in their development and implementation and to evaluate DHT outputs including the impact of regulatory initiatives (or regulatory science). To support new drug registration, label expansion, and safety monitoring, DHT-based data need to be fit for the intended purpose. Toward these ends, FDA proposes to undertake numerous activities, including the publication of a framework document to guide the use of DHT-derived data in regulatory decision making, the formation of a committee to provide support to DHT-related efforts, and a series of public meetings, demonstration projects, and new or updated guidances. These enhancements are described in section IV.C of the proposed PDUFA VII commitment letter.

N. Enhancements to Fee Mechanisms for Increased Predictability, Stability, and Efficiency

The PDUFA VII agreement continues to build on the resource capacity planning capability established in PDUFA VI and continues financial transparency initiatives. In addition, PDUFA VII enhances mechanism to manage financial risks by establishing a minimum amount of available operating reserves to be maintained each year. This minimum amount will start at an amount equivalent to 8 weeks of operations and increase to 10 weeks of operations by FY 2025. PDUFA VII also adds a strategic hiring and retention adjustment to ensure FDA has the funding necessary to provide for the costs of retaining and hiring highly qualified scientific and technical staff for the process for the review of human drug applications under PDUFA. This strategic hiring and retention adjustment will add $9 million to the base revenue amount in FY 2023 and $4 million in each subsequent year.

O. Impact of PDUFA VII Enhancements on User Fee Revenue

To implement the proposed enhancements for PDUFA VII, funding for a cumulative total of 352 full-time equivalent staff is proposed to be phased in over the course of PDUFA VII. The new funding will be phased in as follows:

- $65,773,693 for FY 2023
- $25,097,671 for FY 2024
- $14,154,169 for FY 2025
- $4,864,860 for FY 2026
- $1,314,620 for FY 2027

In addition, to support the other additional direct costs associated with PDUFA VII enhancements, the following amounts will be added:

- $44,386,150 for FY 2023
- $60,967,993 for FY 2024
- $35,799,314 for FY 2025
- $35,799,314 for FY 2026
- $35,799,314 for FY 2027

IV. Public Meeting Information

A. Purpose and Scope of the Meeting

The meeting will include a presentation by FDA and a series of panels with FDA and Industry representatives to present and discuss the agreed-upon proposed enhancements. For members of the public who would like to make verbal comments on the proposed enhancements (see instructions below), there will be a public comment period at the end of the meeting. We will also provide an opportunity for individuals to submit written comments to the docket before and after the meeting.

B. Participating in the Public Meeting

Registration: Registration is optional and not required to attend this virtual public meeting. However, registering will allow FDA to provide you with email updates if any meeting details change. If you wish to register, you can do so at *https://pdufavii-reauthorization.eventbrite.com.*

Opportunity for Verbal Public Comment: Those who register online will receive a confirmation email that includes a link to a request form to make a verbal public comment at the meeting. If you wish to speak during the public comment session, follow the instructions in that email and identify which topic(s) you wish to address. We will do our best to accommodate requests to make public comments. Individuals and organizations with common interests are urged to consolidate or coordinate their comments and request time jointly. All requests to make a public comment during the meeting must be received by September 14, 2021, 11:59 p.m. Eastern Time. Depending on the number of requests, we will determine the amount of time allotted to each commenter, the approximate time each comment is to begin, and will select and notify participants by September 21, 2021. No commercial or promotional material will be permitted to be presented at the public meeting.

Streaming Webcast of the Public Meeting: The Zoom Webinar ID for this public meeting is 161 932 6064. The webcast link for this public meeting can be found here: *https://fda.zoomgov.com/j/1619326064?pwd=WWZhZXhYRDNoYmg0WFRvSVgvdE5BUT09.*

The link above should allow you to enter the webinar directly. If Zoom asks for a passcode, please use the case-sensitive passcode below.

Case-Sensitive Passcode for Zoom Webinar: PDUFa7!

Transcripts: Please be advised that as soon as a transcript of the public meeting is available, it will be accessible at *https://www.regulations.gov.* It may be viewed at the Dockets Management Staff (see **ADDRESSES**). A link to the

transcript will also be available on the internet at *https://www.fda.gov/industry/prescription-drug-user-fee-amendments/pdufa-vii-fiscal-years-2023-2027.*

Dated: August 18, 2021.

Lauren K. Roth,

Acting Principal Associate Commissioner for Policy.

[FR Doc. 2021–18094 Filed 8–23–21; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Submission to OMB for Review and Approval; Public Comment Request; Black Lung Clinics Program Performance Measures, OMB No. 0915–0292—Revision

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services.

ACTION: Notice.

SUMMARY: In compliance with of the Paperwork Reduction Act of 1995, HRSA has submitted an Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and approval. Comments submitted during the first public review of this ICR will be provided to OMB. OMB will accept further comments from the public during the review and approval period. OMB may act on HRSA's ICR only after the 30 day comment period for this Notice has closed.

DATES: Comments on this ICR should be received no later than September 23, 2021.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: To request a copy of the clearance requests submitted to OMB for review, email Lisa Wright-Solomon, the HRSA Information Collection Clearance Officer at *paperwork@hrsa.gov* or call (301) 443–1984.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the information request collection title for reference.

Information Collection Request Title: Black Lung Clinics Program Performance Measures OMB No. 0915–0292 Revision.

Abstract: HRSA's Federal Office of Rural Health Policy conducts an annual data collection of user information for the Black Lung Clinics Program (BLCP), which has been ongoing with OMB approval since 2004. The BLCP is authorized by Sec. 427(a) of the Federal Mine Safety and Health Act of 1977, as amended (30 U.S.C. 937), and accompanying regulations at 42 CFR part 55a, to reduce the morbidity and mortality associated with occupationally-related coal mine dust lung disease through the screening, diagnosis, and treatment of active, inactive, retired, and/or disabled coal miners. Collecting this data provides HRSA with information on how well each grantee is meeting the needs of these miners in their communities.

Need and Proposed Use of the Information: Data from the annual performance measures report provides quantitative information about the clinics, specifically: (a) The characteristics of the patients they serve (age, diagnoses, occupation type); (b) the characteristics of services provided (clinical services and benefits counseling); and (c) the number of patients served. This assessment enables HRSA to provide data required by Congress under the Government Performance and Results Act of 1993. It also ensures that funds are effectively used to provide services that meet the target population needs.

The proposed changes of the BLCP measures are a result of the accumulation of grantee and stakeholder feedback, and information gathered from the previously approved BLCP measures. The proposed changes include revisions of current measures for better usability and additional questions about screening program participation, smoking, pulmonary function testing, referral for services, and COVID–19 vaccination.

Likely Respondents: Respondents will likely be award recipients of the Black Lung Clinics Program.

A 60-day **Federal Register** Notice was published in the **Federal Register** on May 13, 2021, vol. 86, No. 91, pp. 26225–26226. There were no public comments.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose, or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install, and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this ICR are summarized in the table below.

TOTAL ESTIMATED ANNUALIZED BURDEN—HOURS

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
Black Lung Clinics Program Measures	15	1	15	10	150
Total	15		15		150

HRSA specifically requests comments on: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Maria G. Button,

Director, Executive Secretariat.

[FR Doc. 2021–18152 Filed 8–23–21; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Document Identifier: OS–4040–0012]

Agency Information Collection Request. 60-Day Public Comment Request

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: In compliance with the requirement of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, is publishing the following summary of a proposed collection for public comment.

DATES: Comments on the ICR must be received on or before October 25, 2021.

ADDRESSES: Submit your comments *sagal.musa@hhs.gov* or by calling (202) 205–2634.

FOR FURTHER INFORMATION CONTACT: When submitting comments or requesting information, please include the document identifier 4040–0001–New–60D and project title for reference, to Sagal Musa, email: *sagal.musa@hhs.gov,* or call (202) 205–2634 the Reports Clearance Officer.

SUPPLEMENTARY INFORMATION: Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Title of the Collection: SF–270 Request for Advance or Reimbursement.

Type of Collection: Reinstatement without change.

OMB No. 4040–0012.

Abstract: The SF–270 Request for Advance or Reimbursement form is used by grant awardees to request financial assistance funds for the purpose of reimbursement or for advance of funds. The IC expired on 01/31/2019. We are seeking reinstatement without change of this information collection and a three-year clearance.

ANNUALIZED BURDEN HOUR TABLE

Forms (if necessary)	Respondents (if necessary)	Number of respondents	Number of responses per respondents	Average burden per response	Total burden hours
SF–270 Request for Advance or Reimbursement	Grant Applicants	100,000	1	1	100,000
Total		100,000	1	1	100,000

Sherrette A. Funn,

Paperwork Reduction Act Reports Clearance Officer, Office of the Secretary.

[FR Doc. 2021–18168 Filed 8–23–21; 8:45 am]

BILLING CODE 4151–AE–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Document Identifier: OS–4040–0011]

Agency Information Collection Request. 60-Day Public Comment Request

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: In compliance with the requirement of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, is publishing the following summary of a proposed collection for public comment.

DATES: Comments on the ICR must be received on or before October 25, 2021.

ADDRESSES: Submit your comments *sagal.musa@hhs.gov* or by calling (202) 205–2634.

FOR FURTHER INFORMATION CONTACT: When submitting comments or requesting information, please include the document identifier 4040–0001–New–60D and project title for reference, to Sagal Musa, email: *sagal.musa@hhs.gov,* or call (202) 205–2634 the Reports Clearance Officer.

SUPPLEMENTARY INFORMATION: Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Title of the Collection: SF–271 Outlay Report and Request for Reimbursement for Construction Programs.

Type of Collection: Reinstatement without change.

OMB No.: 4040–0011.

Abstract: The SF–271 Outlay Report and Request for Reimbursement for Construction Programs form is an OMB-approved collection (4040–0011). This information collection is used by grant awardees to report on their construction grant award. The IC expired on January 31, 2019. We are seeking reinstatement without change of this information collection and a three-year clearance.

ANNUALIZED BURDEN HOUR TABLE

Forms (if necessary)	Respondents (if necessary)	Number of respondents	Number of responses per respondents	Average burden per response	Total burden hours
SF–270 Request for Advance or Reimbursement	Grant Applicants	100,000	1	1	100,000
Total		100,000	1	1	100,000

Sherrette A. Funn,

Paperwork Reduction Act Reports Clearance Officer, Office of the Secretary.

[FR Doc. 2021–18170 Filed 8–23–21; 8:45 am]

BILLING CODE 4151–AE–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Minority Health and Health Disparities; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Advisory Council on Minority Health and Health Disparities, September 09, 2021, 01:00 p.m. to September 10, 2021, 04:00 p.m., National Institutes of Health, 6707 Democracy Boulevard, Bethesda, MD 20892 which was published in the **Federal Register** on July 19, 2021, FR Doc 2021–15311, 86 FR 38106.

This notice is being amended to change the closed session start and end times on September 9, 2021 from 1:00 p.m.–5:00 p.m. to 1:30 p.m.–5:30 p.m. The meeting is partially closed to the public.

Dated: August 18, 2021.

David W. Freeman,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–18162 Filed 8–23–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed 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: Center for Scientific Review Special Emphasis Panel; Small Business: Rehabilitation and Skin Devices.

Date: August 30, 2021.

Time: 10:00 a.m. to 11:00 a.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: Aftab A. Ansari, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4108, MSC 7814, Bethesda, MD 20892, (301) 237–9931, *ansaria@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.

(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: August 19, 2021.

Natasha M. Copeland,

Deputy Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–18203 Filed 8–23–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Eunice Kennedy Shriver National Institute of Child Health and Human Development; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Child Health and Human Development Special Emphasis Panel; Population Dynamics Centers Research Infrastructure Program FY 2022 (P2C Clinical Trial Not Allowed).

Date: November 3–4, 2021.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Eunice Kennedy Shriver National Institute of Child Health and Human Development, National Institutes of Health, 6710B Rockledge Drive, Room 2121B, Bethesda, MD 20892 (Video Assisted Meeting).

Contact Person: Christiane M. Robbins, Scientific Review Officer, Scientific Review Branch, Eunice Kennedy Shriver National Institute of Child Health and Human Development, National Institutes of Health, 6710B Rockledge Drive, Room 2121B, Bethesda, MD 20892, (301) 451–4989, *crobbins@mail.nih.gov*.

Name of Committee: National Institute of Child Health and Human Development Special Emphasis Panel; Ruth L. Kirschstein National Research Service Award Institutional Research Training Grant (T32) Review.

Date: December 2–3, 2021.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Eunice Kennedy Shriver National Institute of Child Health and Human Development, National Institutes of Health, 6710B Rockledge Drive, Room 2121B, Bethesda, MD 20892 (Video Assisted Meeting).

Contact Person: Christiane M. Robbins, Scientific Review Officer, Scientific Review Branch, Eunice Kennedy Shriver National Institute of Child Health and Human Development, National Institutes of Health, 6710B Rockledge Drive, Room 2121B, Bethesda, MD 20892, (301) 451–4989, *crobbins@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.865, Research for Mothers and Children, National Institutes of Health, HHS)

Dated: August 19, 2021.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–18201 Filed 8–23–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel Topics in Bioengineering.

Date: September 24, 2021.
Time: 10:00 a.m. to 8:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).
Contact Person: Joseph D Mosca, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5158, MSC 7808, Bethesda, MD 20892, (301) 435–2344, *moscajos@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel PAR–21–126: High-End Instrumentation (HEI) Grant Program.
Date: September 29, 2021.
Time: 8:30 a.m. to 8:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).
Contact Person: Ileana Hancu, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5116, Bethesda, MD 20817, (301) 402–3911, *ileana.hancu@nih.gov.*

Name of Committee: Healthcare Delivery and Methodologies Integrated Review Group Health Services: Quality and Effectiveness Study Section.
Date: September 29–30, 2021.
Time: 9:00 a.m. to 7:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).
Contact Person: Jacinta Bronte-Tinkew, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3164, MSC 7770, Bethesda, MD 20892, (301) 806–0009, *Jacinta.bronte-tinkew@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: August 18, 2021.

David W. Freeman,

Program Analyst, Office of the Federal Advisory Committee Policy.

[FR Doc. 2021–18161 Filed 8–23–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Special Topics in Instrumentation and Systems Development.
Date: September 30, 2021.
Time: 10:00 a.m. to 7:30 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).
Contact Person: Kee Forbes, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5148, MSC 7806, Bethesda, MD 20892, 301–272–4865, *kee.forbes@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; The Blood-brain Barrier, Neurovascular Systems and CNS Therapeutics.
Date: September 30, 2021.
Time: 10:00 a.m. to 6:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).
Contact Person: Linda MacArthur, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4187, Bethesda, MD 20892, 301–537–9986, *macarthurlh@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: __August 18, 2021.

Miguelina Perez,

Program Analyst, Office Federal Advisory Committee Policy.

[FR Doc. 2021–18112 Filed 8–23–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRNHL–DTS#–32483; PPWOCRADI0, PCU00RP14.R50000]

National Register of Historic Places; Notification of Pending Nominations and Related Actions

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The National Park Service is soliciting electronic comments on the significance of properties nominated before August 14, 2021, for listing or related actions in the National Register of Historic Places.

DATES: Comments should be submitted electronically by September 8, 2021.

ADDRESSES: Comments are encouraged to be submitted electronically to *National_Register_Submissions@nps.gov* with the subject line ''Public Comment on <property or proposed district name, (County) State>.'' If you have no access to email you may send them via U.S. Postal Service and all other carriers to the National Register of Historic Places, National Park Service, 1849 C Street NW, MS 7228, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Sherry A. Frear, Chief, National Register of Historic Places/National Historic Landmarks Program, 1849 C Street NW, MS 7228, Washington, DC 20240, *sherry_frear@nps.gov,* 202–913–3763.

SUPPLEMENTARY INFORMATION: The properties listed in this notice are being considered for listing or related actions in the National Register of Historic Places. Nominations for their consideration were received by the National Park Service before August 14, 2021. Pursuant to Section 60.13 of 36 CFR part 60, comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Nominations submitted by State or Tribal Historic Preservation Officers:

ARKANSAS

St. Francis County

Forrest City Colored Cemetery, SFC Rd. 702, south of AR 70, west of Margaret Dr., east of Union Pacific RR, Forrest, SG100007000

CALIFORNIA

Sacramento County

Hotel Lenhart, 1117–1131 9th St., Sacramento, SG100006998

San Francisco County

Alberta Candy Factory, 555 19th St., San Francisco, SG100006997

IDAHO

Shoshone County

Kellogg Boy Scout Cabin, 2 South Hill St., Kellogg, SG100007006
Miner's Hat, 300 East Cameron Ave., Kellogg, SG100007007

MAINE

Cumberland County

Greenwood Garden Playhouse, 32 Garden Pl., Portland, SG100006989

Piscataquis County

Dover-Foxcroft Commercial Historic District, 1–103 East Main St., Dover-Foxcroft, SG100006990

MASSACHUSETTS

Berkshire County

Lenox Village Historic District, Main, Church, Cliffwood, Franklin, Greenwood, High, Housatonic, Hubbard, Hynes, Kemble, Old Center, Tucker and Walker Sts.; Fairview and St. Ann's Ave.; Old Stockbridge and Ore Bed Rds.; Hillside Dr., Lenox, SG100006987

OKLAHOMA

Tulsa County

Pioneer Plaza (Tulsa Public Housing, 1966–1975 MPS), 901 North Elgin Ave., Tulsa, MP100007009
Hewgley Terrace (Tulsa Public Housing, 1966–1975 MPS), 420 South Lawton Ave., Tulsa, MP100007010

PENNSYLVANIA

Allegheny County

Gladstone School (Educational Resources of Pennsylvania MPS), 327 Hazelwood Ave., Pittsburgh, MP100006988

SOUTH CAROLINA

Aiken County

South Carolina Railroad, Address Restricted, Aiken vicinity, SG100006995

Charleston County

Robert Mills Manor, Bounded by Queen, Smith, and Logan Sts.; Including Cromwell Alley, Wilson St., and portions of Franklin St., Charleston, SG100006991

Richland County

Colonial Village Apartments, 3700 West Ave., Columbia, SG100006992
Saluda Apartments, 511–537 Saluda Ave., Columbia, SG100006993
Zion Baptist Church (Segregation in Columbia, South Carolina MPS), 801 Washington St., Columbia, MP100006996

TEXAS

El Paso County

Segundo Barrio Historic District, Roughly Bounded by South Santa Fe St., South Oregon St., East 9th Ave., Cotton St., Paisano Dr., and East Father Rahm Ave., El Paso, SG100006994

La Salle County

Welhausen School and Florita Plaza, 204 East Lane St., Cotulla, SG100007001

VERMONT

Bennington County

E. J. Bullock Block, 7012 Main St., Readsboro, SG100007005

Franklin County

Ovitt Grist Mill, 1796 Tyler Branch Rd., Enosburgh, SG100007004

WYOMING

Washakie County

West Side School (Educational Facilities in Wyoming, 1850–1960 MPS), 100 South 3rd St., Worland, MP100007002

Additional documentation has been received for the following resource:

ARKANSAS

Conway County

Morrilton Commercial Historic District (Additional Documentation), Roughly bounded by East Railroad Ave., East Broadway, North Division, and North Moose Sts., Morrilton, AD03000085

Nominations submitted by Federal Preservation Officer:

The State Historic Preservation Officer reviewed the following nominations and responded to the Federal Preservation Officer within 45 days of receipt of the nominations and supports listing the properties in the National Register of Historic Places.

CALIFORNIA

San Bernardino County

Mojave Road, Mojave Rd., Mojave National Preserve, Baker vicinity, SG100007003
Mojave Road, Mojave Rd., Mojave National Preserve, Cima vicinity, SG100007003
Mojave Road, Mojave Rd., Mojave National Preserve, Lanfair vicinity, SG100007003

Authority: Section 60.13 of 36 CFR part 60.

Dated: August 18, 2021.

Sherry A. Frear,

Chief, National Register of Historic Places/National Historic Landmarks Program.

[FR Doc. 2021–18186 Filed 8–23–21; 8:45 am]

BILLING CODE 4312–52–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1233]

Certain Active Optical Cables and Products Containing the Same; Commission Decision Not To Review an Initial Determination Granting an Unopposed Motion for Termination of the Investigation Based on Withdrawal of the Complaint

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination (''ID'') (Order No. 11) of the presiding administrative law judge (''ALJ''). The ID grants an unopposed motion for termination of the investigation based on the withdrawal of the complaint. The investigation is terminated.

FOR FURTHER INFORMATION CONTACT: Houda Morad, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 708–4716. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.* General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: On December 4, 2020, the Commission instituted this investigation under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (''section 337''), based on a complaint filed by Cosemi Technologies, Inc. of Irvine, California (''Complainant''). *See* 85 FR 78361–62 (Dec. 4, 2020). The complaint, as supplemented, alleges a violation 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 active optical cables and products containing the same by reason of infringement of certain claims of U.S. Patent Nos. 8,948,197; 9,641,250; 9,971,115; 9,979,479. *See id.* The notice of investigation names the following respondents: EverPro Technologies Company Ltd. of Wuhan, China; Fibbr Technologies of Wuhan, China; Logitech Inc. of Newark, California; and Facebook Technologies, LLC of Menlo Park, California (collectively, ''Respondents''). *See id.* The Office of Unfair Import Investigations is not a party to the investigation. *See id.*

On August 2, 2021, Complainant filed an unopposed motion for termination of the investigation based on the withdrawal of the complaint. On August 3, 2021, Respondents filed a response stating that they do not oppose Complainant's motion.

On August 6, 2021, the ALJ issued the subject ID (Order No. 11) granting the

motion. In accordance with Commission Rule 210.21(a)(1), 19 CFR 210.21(a)(1), the ID notes that Complainant represents that ''there are no other agreements, written or oral, express or implied, between the[ ] parties concerning the subject matter of this Investigation.'' *See* ID at 3. In addition, the ID finds ''no extraordinary circumstances that warrant denying the motion.'' *See id.* Thus, the ID terminates the investigation in its entirety and stays the procedural schedule pending Commission review.

No petition for review of the subject ID was filed.

The Commission has determined not to review the subject ID. The investigation is terminated.

The Commission's vote for this determination took place on August 18, 2021.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: August 18, 2021.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2021–18130 Filed 8–23–21; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms and Explosives

[OMB 1140–0101]

Agency Information Collection Activities; Proposed eCollection of eComments Requested; Revision of a Currently Approved Collection; National Firearms Act Division and Firearms and Explosives Services Division Customer Service Survey

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Department of Justice (DOJ), will submit the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed collection OMB 1140–0101 (National Firearms Act Division and Firearms and Explosives Services Division Customer Service Survey) is being revised due to an increase in the total annual respondents, responses, and burden hours.

The proposed information collection is also being published to obtain comments from the public and affected agencies.

DATES: Comments are encouraged and will be accepted for 60 days until October 25, 2021.

FOR FURTHER INFORMATION CONTACT: If you have additional comments regarding the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions, or additional information, please contact: Brian Andrews, National Firearms Act Division, either by mail at 244 Needy Road, Martinsburg, WV 25405, by email at *nfaombcomments@atf.gov,* or by telephone at 304–616–4597.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

1. *Type of Information Collection (check justification or form 83):* Revision of a currently approved collection.

2. *The Title of the Form/Collection:* National Firearms Act Division and Firearms and Explosives Services Division Customer Service Survey.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* *Form number (if applicable):* None.

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 (if applicable): Business or other for-profit, Federal Government, and State, Local, or Tribal Government.

Abstract: The National Firearms Act Division and Firearms and Explosives Services Division Customer Service Survey is used to gather information about customer service provided to the firearms and explosives industry and government agencies, in order to improve service delivery.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 23,100 respondents will take this survey 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 1,925 hours, which is equal to 23,100 (total responses) * .0833333 (5 minutes or time taken to complete each response).

7. *An Explanation of the Change in Estimates:* Due to an increase in the estimated respondents to this survey, the total annual responses and burden hours for this collection have increased from 18,200 to 23,100 and from 1,517 to 1,925 hours respectively since the last renewal in 2018.

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, Mail Stop 3E.405A, Washington, DC 20530.

Dated: August 18, 2021.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2021–18114 Filed 8–23–21; 8:45 am]

BILLING CODE 4410–FY–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; Request for Interim Security Clearance—ATF Form 8620.70

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 September 23, 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:* Request for Interim Security Clearance.

(3) *The agency form number, if any, and the applicable component of the Department sponsoring the collection:*

Form number: ATF Form 8620.70.

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 (if applicable): None.

Abstract: The Request for Interim Security Clearance—ATF Form 8620.70 will be used to determine if a candidate for Federal or contractor employment at the Bureau of Alcohol, Tobacco, Firearms and Explosives can be granted an interim security clearance prior to the completion and adjudication of their full background investigation.

(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 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: August 18, 2021.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2021–18103 Filed 8–23–21; 8:45 am]

BILLING CODE 4410–14–P

DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms and Explosives

[OMB 1140–0070]

Agency Information Collection Activities; Proposed eCollection of eComments Requested; Extension Without Change of a Currently Approved Collection; Application for Federal Explosives License or Permit (FEL/P)—ATF Form 5400.13/5400.16

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Department of Justice (DOJ), will submit the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection (IC) is also being published to obtain comments from the public and affected agencies.

DATES: Comments are encouraged and will be accepted for 60 days until October 25, 2021.

FOR FURTHER INFORMATION CONTACT: If you have additional comments regarding the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions, or additional information, please contact: Shawn Stevens, ATF National Services Center, Federal Explosives Licensing Center, either by mail at 244 Needy Road, Martinsburg, WV 25405, by email at *Shawn.Stevens@atf.gov,* or by telephone at 304–616–4400.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Evaluate whether and if so, how the quality, utility, and clarity of the

information to be collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

1. *Type of Information Collection (check justification or form 83):* Extension without change of a currently approved collection.

2. *The Title of the Form/Collection:* Application for Federal Explosives License or Permit (FEL/P).

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:*

Form number (if applicable): ATF Form 5400.13/5400.16.

Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Business or other for-profit.

Other (if applicable): Individuals or households.

Abstract: The Application for Federal Explosives License or Permit (FEL/P)—ATF Form 5400.13/5400.16 must be completed by all persons who want to ship, transport, or possess explosives materials. The collected information will be used to determine if the applicant can be issued a FEL/P.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 10,200 respondents will complete this form once annually, and it will take each respondent approximately 1.5 hours 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 15,300 hours, which is equal to 10,200 (total responses) * 1.5 hours (total time taken to complete each response).

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: August 18, 2021.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2021–18115 Filed 8–23–21; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Comprehensive Environmental Response, Compensation and Liability Act

On August 18, 2021, the Department of Justice filed a Complaint and lodged a proposed Consent Decree with the District Court of the Southern District of New York in a lawsuit entitled *United States* v. *E.I. DuPont de Nemours and Company, et al.,* Civil Action No. 21–6970.

In this action the United States seeks, as provided under the Comprehensive Environmental Response, Compensation and Liability Act, recovery of response costs from four parties regarding the Port Refinery Superfund Site (''Site'') in the Village of Rye Brook, New York. The proposed Consent Decree resolves the United States' claims and requires E.I. DuPont de Nemours and Company, D & D Salvage Corporation, OXY USA Inc., and W.A. Baum Company, Inc., to pay, in aggregate, $1,412,255, in reimbursement of the United States' past response costs regarding the Site.

The publication of this notice opens the public comment on the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States* v. *E.I. DuPont de Nemours and Company, et al.,* Civil Action No. 21–6970, D.J. Ref. 90–11–3–1142/7. All comments must be submitted no later than 30 days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By email	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the Consent Decree may be examined and downloaded at this Justice Department website: *http://www.usdoj.gov/enrd/Consent_Decrees.html.* We will provide a paper copy of the Consent Decree upon written request and payment of reproduction costs. Please email your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $5.50 (25 cents per page reproduction cost) payable to the United States Treasury.

Henry S. Friedman,

Assistant Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2021–18190 Filed 8–23–21; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF LABOR

Employment and Training Administration

Native American Employment and Training Council

AGENCY: Employment and Training Administration, Department of Labor.

ACTION: Notice of meeting.

Authority: Pursuant to the Workforce Innovation and Opportunity Act, 29 U.S.C. 3221(i)(4); Federal Advisory Committee Act, as amended, 5 U.S.C. app. 2.

SUMMARY: Pursuant to the Federal Advisory Committee Act (FACA) and the Workforce Innovation and Opportunity Act (WIOA), notice is hereby given of the next meeting of the Native American Employment and Training Council (Council), as constituted under WIOA.

DATES: The meeting will begin at 1:30 p.m., (Eastern Daylight Time) on Wednesday, September 22, 2021, and continue until 5:00 p.m. The meeting will reconvene at 1:00 p.m., on Thursday, September 23, 2021 and adjourn at 4:30 p.m. The period from 3:00 p.m., to 4:00 p.m., on September 22, 2021 is reserved for participation and comment by members of the public.

ADDRESSES: The meeting will be held in person at the Crowne Plaza Hotel, Providence-Warwick, 801 Greenwich Ave., Warwick, RI 02886 and virtually on the *Zoom.gov* platform.

To join the meeting use the following: *https://www.zoomgov.com/j/1604661257?pwd=Znltb3ZNVUtFT1A3RjV2N0JYUE1JUT09 Meeting ID:* 160 466 1257 *Passcode:* 485516 *Dial in number:* +164–682–8766

SUPPLEMENTARY INFORMATION: Council members and members of the public are encouraged to logon to *Zoom.gov* early

to allow for connection issues and troubleshooting.

Security Instructions: Meeting participants should use the link and dial in instructions or ask at registration for the room name if attending in person.

The meeting will be open to the public.

Members of the public not present may submit a written statement by Friday, September 17, 2021, to be included in the record of the meeting. Statements are to be submitted to Athena R. Brown, Designated Federal Officer (DFO), and U.S. Department of Labor at *brown.athena@dol.gov.* Persons who need special accommodations should contact Suzie Casal at (703) 967–1829 or *casal.suzie@dol.gov,* at least two business days before the meeting. The formal agenda will focus on the following topics: (1) Training and technical assistance priorities, (2) NAETC Two-Year Strategic Plan update; (3) Update from 477-program Federal Partners Meeting; (4) Census Update and Tabulations; (5) Upcoming Regional/National TAT conferences; (7) Employment and Training Administration updates; and (8) public comment.

FOR FURTHER INFORMATION CONTACT: Athena R. Brown, DFO, Division of Indian and Native American Programs, Employment and Training Administration, U.S. Department of Labor, Room C–4311, 200 Constitution Avenue NW, Washington, DC 20210. Telephone number (202) 693–3737 (VOICE) (this is not a toll-free number).

Suzan G. LeVine,

Acting Assistant Secretary for Employment and Training, Labor.

[FR Doc. 2021–18146 Filed 8–23–21; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Survey of Occupational Injuries and Illnesses

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Bureau of Labor Statistics (BLS)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before September 23, 2021.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

Comments are invited on: (1) Whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) if the information will be processed and used in a timely manner; (3) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (4) ways to enhance the quality, utility and clarity of the information collection; and (5) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT: Mara Blumenthal by telephone at 202–693–8538, or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: Section 24(a) of the Occupational Safety and Health Act of 1970 (the Act) requires the Secretary of Labor to develop and maintain an effective program of collection, compilation, and analysis of statistics on occupational injuries and illnesses. The survey measures the overall rate of occurrence of work injuries and illnesses by industry for private industry, state governments, and local governments. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on May 28, 2021 (86 FR 28905).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL–BLS.

Title of Collection: Survey of Occupational Injuries and Illnesses.

OMB Control Number: 1220–0045.

Affected Public: Private Sector—Businesses or other for-profits, not-for-profit institutions, and farms; State, Local or Tribal Governments.

Total Estimated Number of Respondents: 232,800.

Total Estimated Number of Responses: 232,800.

Total Estimated Annual Time Burden: 187,859 hours.

Total Estimated Annual Other Costs Burden: $0.

Authority: 44 U.S.C. 3507(a)(1)(D).

Dated: August 16, 2021.

Mara Blumenthal,

Senior PRA Analyst.

[FR Doc. 2021–18138 Filed 8–23–21; 8:45 am]

BILLING CODE 4510–24–P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Current Population Survey Unemployment Insurance Non-Filer Supplement

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Bureau of Labor Statistics (BLS)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before September 23, 2021.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

Comments are invited on: (1) Whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) if the information will be processed and used

in a timely manner; (3) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (4) ways to enhance the quality, utility and clarity of the information collection; and (5) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT: Mara Blumenthal by telephone at 202–693–8538, or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: The February and May 2022 CPS Unemployment Insurance (UI) Non-Filer Supplement will be conducted at the request of the Department of Labor's Chief Evaluation Office. The supplement was last collected in May and September of 2018. The UI Non-Filer Supplement will gather information on people who are unemployed as well as on a subset of those who are not in the labor force. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on May 3, 2021 (86 FR 23431).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL–BLS.

Title of Collection: Current Population Survey Unemployment Insurance Non-Filer Supplement.

OMB Control Number: 1220–0193.

Affected Public: Individuals or Households.

Total Estimated Number of Respondents: 45,000.

Total Estimated Number of Responses: 45,000.

Total Estimated Annual Time Burden: 2,250 hours.

Total Estimated Annual Other Costs Burden: $0.

Authority: 44 U.S.C. 3507(a)(1)(D).

Dated: August 16, 2021.

Mara Blumenthal,

Senior PRA Analyst.

[FR Doc. 2021–18140 Filed 8–23–21; 8:45 am]

BILLING CODE 4510–24–P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Displaced Worker, Job Tenure, and Occupational Mobility Supplement to CPS

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Bureau of Labor Statistics (BLS)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before September 23, 2021.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

Comments are invited on: (1) Whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) if the information will be processed and used in a timely manner; (3) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (4) ways to enhance the quality, utility and clarity of the information collection; and (5) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT: Mara Blumenthal by telephone at 202–693–8538, or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: The CPS Displaced Worker, Job Tenure, and Occupational Mobility supplement is conducted biennially and was last collected in January 2020. This supplement will gather information on workers who have lost or left their jobs because their plant or company closed or moved, there was insufficient work for them to do, or their position or shift was abolished. The supplement is sponsored by the Department of Labor's Chief Evaluation Office (CEO). For additional substantive information about this ICR, see the related notice published in the **Federal Register** on May 20, 2021 (86 FR 27481).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL–BLS.

Title of Collection: Displaced Worker, Job Tenure, and Occupational Mobility Supplement to CPS.

OMB Control Number: 1220–0104.

Affected Public: Individuals or Households.

Total Estimated Number of Respondents: 48,000.

Total Estimated Number of Responses: 48,000.

Total Estimated Annual Time Burden: 6,400 hours.

Total Estimated Annual Other Costs Burden: $0.

Authority: 44 U.S.C. 3507(a)(1)(D).

Dated: August 16, 2021.

Mara Blumenthal,

Senior PRA Analyst.

[FR Doc. 2021–18141 Filed 8–23–21; 8:45 am]

BILLING CODE 4510–24–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2007–0043]

TUV SUD America, Inc.: Grant of Expansion of Recognition and Modification to the NRTL Program's List of Appropriate Test Standards

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice.

SUMMARY: In this notice, OSHA announces the final decision to expand the scope of recognition of TUV SUD America, Inc. (TUVAM) as a Nationally Recognized Testing Laboratory (NRTL). Additionally, OSHA announces the final decision to add one test standard to the NRTL Program's List of Appropriate Test Standards.

DATES: The expansion of the scope of recognition becomes effective on August 24, 2021.

FOR FURTHER INFORMATION CONTACT: Information regarding this notice is available from the following sources:

Press inquiries: Contact Mr. Frank Meilinger, Director, OSHA Office of Communications, U.S. Department of Labor by phone (202) 693–1999 or email *meilinger.francis2@dol.gov.*

General and technical information: Contact Mr. Kevin Robinson, Director, Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor by phone (202) 693–2110 or email *robinson.kevin@dol.gov.*

SUPPLEMENTARY INFORMATION:

I. Notice of the Applications for Expansion

OSHA hereby gives notice of the extension of the scope of recognition of TUV SUD America, Inc. (TUVAM) as a NRTL. TUVAM's expansion covers the addition of eighteen test standards to its NRTL scope of recognition. OSHA also hereby gives notice that it is adding one test standard to the NRTL Program's List of Appropriate Test Standards.

OSHA recognition of a NRTL signifies that the organization meets the requirements specified by 29 CFR 1910.7. Recognition is an acknowledgment that the organization can perform independent safety testing and certification of the specific products covered within the scope of recognition and is not a delegation or grant of government authority. As a result of recognition, employers may use products properly approved by the NRTL to meet OSHA standards that require testing and certification of the products.

The agency processes applications by NRTLs or applicant organizations for initial recognition, as well as for expansion or renewal of recognition, following requirements in Appendix A, 29 CFR 1910.7. This appendix requires that the agency publish two notices in the **Federal Register** in processing an application. In the first notice, OSHA announces the application and provides its preliminary finding. In the second notice, the agency provides the final decision on the application. These notices set forth the NRTL's scope of recognition or modifications of that scope. OSHA maintains an informational web page for each NRTL, including TUVAM, which details that NRTL's scope of recognition. These pages are available from the OSHA website at: *http://www.osha.gov/dts/otpca/nrtl/index.html.*

TUVAM submitted an application, dated June 8, 2020 (OSHA–2007–0043–0036), to expand its recognition to include six additional test standards. Additionally, TUVAM submitted an application on May 19, 2015 (OSHA–2007–0043–0020) to expand its recognition to include two additional recognized test sites and twelve additional test standards. However, due to an omission, OSHA did not rule on the May 19, 2015 application to the extent TUVAM applied to expand its recognition to include the twelve additional test standards (82 FR 13143, March 9, 2017; 82 FR 28359, June 21, 2017). Those twelve standards are included in this notice. Therefore, the expansion announced in this notice covers eighteen standards, including one which OSHA proposes to add to the NRTL Program's List of Appropriate Test Standards. OSHA staff performed a detailed analysis of both application packets and reviewed other pertinent information. OSHA did not perform any on-site reviews in relation to these applications insofar as the applications sought expansions of recognition to include the eighteen additional test standards.

OSHA published the preliminary notice announcing TUVAM's expansion applications in the **Federal Register** on July 2, 2021 (86 FR 35347). The agency requested comments by July 19, 2021, but it received no comments in response to this notice. OSHA now is proceeding with this final notice to grant expansion of TUVAM's scope of recognition.

To review copies of all public documents pertaining to TUVAM's applications, go to *http://www.regulations.gov* or contact the Docket Office, Occupational Safety and Health Administration, U.S. Department of Labor, at (202) 693–2350. Docket No. OSHA–2007–0043 contains all materials in the record concerning TUVAM's recognition.

II. Final Decision and Order

OSHA staff examined TUVAM's expansion applications, the capability to meet the requirements of the test standards, and other pertinent information. Based on a review of this evidence, OSHA finds that TUVAM meets the requirements of 29 CFR 1910.7 for expansion of recognition, subject to the specified limitations and conditions listed. OSHA, therefore, is proceeding with this final notice to grant expansion of TUVAM's scope of recognition. OSHA limits the expansion of TUVAM's scope of recognition to testing and certification of products for demonstration of conformance to the test standards listed in Table 1.

TABLE 1—LIST OF APPROPRIATE TEST STANDARDS FOR INCLUSION IN TUVAM'S NRTL SCOPE OF RECOGNITION

Test standard	Test standard title
* UL 347A	Medium Voltage Power Conversion Equipment.
UL 1004–1	Rotating Electrical Machines—General Requirements.
UL 2594	Standard for Electric Vehicle Supply Management.
UL 61010–2–030	Safety Requirements for Electrical Equipment for Measurement, Control and Laboratory Use—Part 2–030: Particular Requirements for Testing and Measuring Circuits.
UL 61010–2–81	Standard for Safety Requirements for Electrical Equipment for Measurement, Control and Laboratory Use—Part 2–081: Particular Requirements for Automatic and Semi-Automatic Laboratory Equipment for Analysis and Other Purposes.
UL 61010–2–101	Safety Requirements for Electrical Equipment for Measurement, Control and Laboratory Use—Part 2–101: Particular Requirements for In Vitro Diagnostic (IVD) Medical Equipment.

TABLE 1—LIST OF APPROPRIATE TEST STANDARDS FOR INCLUSION IN TUVAM'S NRTL SCOPE OF RECOGNITION—Continued

Test standard	Test standard title
UL 122	Photographic Equipment.
UL 153	Portable Electric Luminaires.
UL 429	Electrically Operated Valves.
UL 1776	High-Pressure Cleaning Machines.
UL 60730–1A	Automatic Electrical Controls for Household and Similar Use; Part 1: General Requirements.
UL 60730–2–7	Automatic Electrical Controls for Household and Similar Use; Part 2: Particular Requirements for Timers and Time Switches.
UL 60730–2–10A	Automatic Electrical Controls for Household and Similar Use; Part 2: Particular Requirements for Motor Starting Relays.
UL 60730–2–11A	Automatic Electrical Controls for Household and Similar Use; Part 2: Particular Requirements for Energy Regulators.
UL 60730–2–12A	Automatic Electrical Controls for Household and Similar Use; Part 2: Particular Requirements for Electrically Operated Door Locks.
UL 60730–2–13A	Automatic Electrical Controls for Household and Similar Use; Part 2: Particular Requirements for Humidity Sensing Controls.
UL 60730–2–14	Automatic Electrical Controls for Household and Similar Use; Part 2: Particular Requirements for Electric Actuators.
UL 60730–2–16A	Automatic Electrical Controls for Household and Similar Use; Part 2: Particular Requirements for Automatic Electrical Water Level Controls.

* Represents Test Standard new to the NRTL Program.

OSHA also announces the addition of one new test standard to the NRTL Program's List of Appropriate Test Standards. Table 2, below, lists the test standard that is new to the NRTL Program. OSHA has determined that this test standard is an appropriate test standard.

TABLE 2—TEST STANDARD OSHA IS ADDING TO THE NRTL PROGRAM'S LIST OF APPROPRIATE TEST STANDARDS

Test standard	Test standard title
UL 347A	Medium Voltage Power Conversion Equipment.

OSHA's recognition of any NRTL for a particular test standard is limited to equipment or materials for which OSHA standards require third-party testing and certification before using them in the workplace. Consequently, if a test standard also covers any products for which OSHA does not require such testing and certification, a NRTL's scope of recognition does not include these products.

A. Conditions

Recognition is contingent on continued compliance with 29 CFR 1910.7, including, but not limited to, abiding by the following conditions of recognition:

1. TUVAM must inform OSHA as soon as possible, in writing, of any change of ownership, facilities, or key personnel, and of any major change in the operations as a NRTL, and provide details of the change(s);

2. TUVAM must meet all the terms of its recognition and comply with all OSHA policies pertaining to this recognition; and

3. TUVAM must continue to meet the requirements for recognition, including all previously published conditions on TUVAM's scope of recognition, in all areas for which it has recognition.

OSHA hereby expands the scope of recognition of TUVAM, subject to the limitation and conditions specified above.

IV. Authority and Signature

James S. Frederick, Acting Assistant Secretary of Labor for Occupational Safety and Health, 200 Constitution Avenue NW, Washington, DC 20210, authorized the preparation of this notice. Accordingly, the agency is issuing this notice pursuant to Section 29 U.S.C. 657(g)(2), Secretary of Labor's Order No. 8–2020 (85 FR 58393; Sept. 18, 2020), and 29 CFR 1910.7.

Signed at Washington, DC, on August 17, 2021.

James S. Frederick,

Acting Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2021–18143 Filed 8–23–21; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2009–0025]

UL LLC: Application for Expansion of Recognition and Proposed Modification to the NRTL Program's List of Appropriate Test Standards

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice.

SUMMARY: In this notice, OSHA announces the application of UL LLC, for expansion of the scope of recognition as a Nationally Recognized Testing Laboratory (NRTL) and presents the agency's preliminary finding to grant the application. Additionally, OSHA proposes to add one test standard to the NRTL Program's List of Appropriate Test Standards.

DATES: Submit comments, information, and documents in response to this notice, or requests for an extension of time to make a submission, on or before September 8, 2021.

ADDRESSES: Submit comments by any of the following methods:

Electronically: You may submit comments and attachments electronically at: *https://www.regulations.gov,* which is the Federal eRulemaking Portal. Follow the instructions online for submitting comments.

Docket: To read or download comments or other material in the docket, go to *http://www.regulations.gov.* Documents in the

docket are listed in the *http://www.regulations.gov* index; however, some information (*e.g.,* copyrighted material) is not publicly available to read or download through the website. All submissions, including copyrighted material, are available for inspection through the OSHA Docket Office. Contact the OSHA Docket Office at (202) 693–2350 (TTY (877) 889–5627) for assistance in locating docket submissions.

Instructions: All submissions must include the agency name and the OSHA docket number for this **Federal Register** notice (OSHA–2017–0014). OSHA will place comments and requests to speak, including personal information, in the public docket, which may be available online. Therefore, OSHA cautions interested parties about submitting personal information such as Social Security numbers and birthdates. For further information on submitting comments, see the ''Public Participation'' heading in the section of this notice titled **SUPPLEMENTARY INFORMATION.**

Extension of comment period: Submit requests for an extension of the comment period on or before September 8, 2021 to the Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor; or by fax to (202) 693–1644.

FOR FURTHER INFORMATION CONTACT: Information regarding this notice is available from the following sources:

Press inquiries: Contact Mr. Frank Meilinger, Director, OSHA Office of Communications, U.S. Department of Labor, telephone: (202) 693–1999; email: *meilinger.francis2@dol.gov.*

General and technical information: Contact Mr. Kevin Robinson, Director, Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor, phone: (202) 693–2110 or email: *robinson.kevin@dol.gov.*

SUPPLEMENTARY INFORMATION:

I. Notice of the Application for Expansion

OSHA is providing notice that UL LLC, (UL) is applying to expand the current recognition as a NRTL. UL requests the addition of one test standard to the NRTL scope of recognition.

OSHA recognition of a NRTL signifies that the organization meets the requirements specified in 29 CFR 1910.7. Recognition is an acknowledgment that the organization can perform independent safety testing and certification of the specific products covered within the scope of recognition. Each NRTL's scope of recognition includes (1) the type of products the NRTL may test, with each type specified by the applicable test standard; and (2) the recognized site(s) that has/have the technical capability to perform the product-testing and product-certification activities for test standards within the NRTL's scope. Recognition is not a delegation or grant of government authority; however, recognition enables employers to use products approved by the NRTL to meet OSHA standards that require product testing and certification.

The agency processes applications by NRTLs or applicant organizations for initial recognition, as well as for expansion or renewal of recognition, following requirements in Appendix A to 29 CFR 1910.7. This appendix requires that the agency publish two notices in the **Federal Register** in processing an application. In the first notice, OSHA announces the application and provides a preliminary finding. In the second notice, the agency provides the final decision on the application. These notices set forth the NRTL's scope of recognition or modifications of that scope. OSHA maintains an informational web page for each NRTL, including UL, which details that NRTL's scope of recognition. These pages are available from the OSHA website at *https://www.osha.gov/dts/otpca/nrtl/index.html.* UL currently has thirteen facilities (sites) recognized by OSHA for product testing and certification, with headquarters located at: UL LLC, 333 Pfingsten Road, Northbrook, Illinois 60062. A complete list of UL sites recognized by OSHA is available at *https://www.osha.gov/dts/otpca/nrtl/ul.html.*

II. General Background on the Application

UL submitted an application, dated October 4, 2020, (OSHA–2009–0025–0036) to expand recognition to include one additional test standards. OSHA staff performed a detailed analysis of the application packet and other pertinent information. OSHA did not perform any on-site reviews in relation to this application.

Table 1, below, lists the test standard found in UL's application for expansion for testing and certification of products under the NRTL Program.

TABLE 1—PROPOSED TEST STANDARD FOR INCLUSION IN UL'S NRTL SCOPE OF RECOGNITION

Test standard	Test standard title
UL 2580* ...	Standard for Safety Batteries for Use in Electric Vehicles.

*In this notice, OSHA also proposes to add this test standard to the NRTL Program's List of Appropriate Test Standards.

III. Proposal To Add a New Test Standard to the NRTL Program's List of Appropriate Test Standards

Periodically, OSHA will propose to add new test standards to the NRTL list of appropriate test standards following an evaluation of the test standard document. To qualify as an appropriate test standard, the agency evaluates the document to: (1) Verify it represents a product category for which OSHA requires certification by a NRTL; (2) verify the document represents a product and not a component; and (3) verify the document defines safety test specifications (not installation or operational performance specifications). OSHA becomes aware of new test standards through various avenues. For example, OSHA may become aware of new test standards by: (1) Monitoring notifications issued by certain Standards Development Organizations; (2) reviewing applications by NRTLs or applicants seeking recognition to include new test standards in their scopes of recognition; and (3) obtaining notification from manufacturers, manufacturing organizations, government agencies, or other parties. OSHA may determine to include a new test standard in the list, for example, if the test standard is for a particular type of product that another test standard also covers or it covers a type of product that no standard previously covered.

In this notice, OSHA proposes to add one new test standard to the NRTL Program's list of appropriate test standards. Table 2, below, lists the test standard that is new to the NRTL Program. OSHA preliminarily determines that this test standard is an appropriate test standard. OSHA seeks public comment on this preliminary determination.

TABLE 2—STANDARDS OSHA IS PROPOSING TO ADD TO THE NRTL PROGRAM'S LIST OF APPROPRIATE TEST STANDARDS

Test standard	Test standard title
UL 2580	Standard for Safety Batteries for Use in Electric Vehicles.

IV. Preliminary Findings

UL submitted an acceptable application for expansion of the scope of recognition. OSHA's review of the application files and related material preliminarily indicate that UL can meet the requirements prescribed by 29 CFR 1910.7 for expanding recognition to include the addition of the test standard listed above for NRTL testing and certification. This preliminary finding does not constitute an interim or temporary approval of UL's application.

OSHA also preliminarily determined that the test standard listed above is an appropriate test standard.

OSHA seeks public comment on these preliminary determinations.

V. Public Participation

OSHA welcomes public comment as to whether UL meets the requirements of 29 CFR 1910.7 for expansion of recognition as a NRTL and whether the test standard listed above is an appropriate test standard that should be included in the NRTL Program's List of Appropriate Test Standards. Comments should consist of pertinent written documents and exhibits.

Commenters needing more time to comment must submit a request in writing, stating the reasons for the request by the due date for comments. OSHA will limit any extension to 10 days unless the requester justifies a longer time period. OSHA may deny a request for an extension if it is not adequately justified.

To review copies of the exhibits identified in this notice, as well as comments submitted to the docket, contact the Docket Office, Occupational Safety and Health Administration, U.S. Department of Labor, listed in **ADDRESSES**. These materials also are generally available online at *https://www.regulations.gov* under Docket No. OSHA–2009–0025 (for further information, see the ''*Docket*'' heading in the section of this notice titled **ADDRESSES**),

OSHA staff will review all comments to the docket submitted in a timely manner and after addressing the issues raised by these comments, make a recommendation to the Assistant Secretary for Occupational Safety and Health on whether to grant UL's application for expansion of its scope of recognition and to add the test standard listed above to the NRTL Program's List of Appropriate Test Standards. The Assistant Secretary will make the final decision on granting the application and on adding the test standard listed above to the NRTL Program's List of Appropriate Test Standards. In making these decisions, the Assistant Secretary may undertake other proceedings prescribed in Appendix A to 29 CFR 1910.7.

OSHA will publish a public notice of its final decision in the **Federal Register**.

VI. Authority and Signature

James S. Frederick, Acting Assistant Secretary of Labor for Occupational Safety and Health, authorized the preparation of this notice. Accordingly, the agency is issuing this notice pursuant to 29 U.S.C. 657(g)(2), Secretary of Labor's Order No. 8–2020 (85 FR 58393, Sept. 18, 2020), and 29 CFR 1910.7.

Signed at Washington, DC, on August 17, 2021.

James S. Frederick,

Acting Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2021–18144 Filed 8–23–21; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2007–0042]

TUV Rheinland of North America, Inc.: Grant of Expansion of Recognition

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice.

SUMMARY: In this notice, OSHA announces the final decision to expand the scope of recognition for TUV Rheinland of North America, Inc., as a Nationally Recognized Testing Laboratory (NRTL).

DATES: The expansion of the scope of recognition becomes effective on August 24, 2021.

FOR FURTHER INFORMATION CONTACT: Information regarding this notice is available from the following sources:

Press inquiries: Contact Mr. Frank Meilinger, Director, OSHA Office of Communications, U.S. Department of Labor; telephone: (202) 693–1999; email: *meilinger.francis2@dol.gov.*

General and technical information: Contact Mr. Kevin Robinson, Director, Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor; telephone: (202) 693–2110; email: *robinson.kevin@dol.gov.* OSHA's web page includes information about the NRTL Program (see *http://www.osha.gov/dts/otpca/nrtl/index.html*).

SUPPLEMENTARY INFORMATION:

I. Notice of Final Decision

OSHA hereby gives notice of the expansion of the scope of recognition of TUV Rheinland of North America, Inc. (TUVRNA), as a NRTL. TUVRNA's expansion covers the addition of four test standards to the NRTL scope of recognition.

OSHA recognition of a NRTL signifies that the organization meets the requirements specified in 29 CFR 1910.7. Recognition is an acknowledgment that the organization can perform independent safety testing and certification of the specific products covered within the scope of recognition. Each NRTL's scope of recognition includes (1) the type of products the NRTL may test, with each type specified by the applicable test standard and (2) the recognized site(s) that has/have the technical capability to perform the product-testing and product-certification activities for test standards within the NRTL's scope. Recognition is not a delegation or grant of government authority; however, recognition enables employers to use products approved by the NRTL to meet OSHA standards that require product testing and certification.

The agency processes applications by NRTLs or applicant organizations for initial recognition, as well as for expansion or renewal of recognition, following requirements in Appendix A to 29 CFR 1910.7. This appendix requires that the agency publish two notices in the **Federal Register** in processing an application. In the first notice, OSHA announces the application and provides the preliminary finding. In the second notice, the agency provides the final decision on the application. These notices set forth the NRTL's scope of recognition or modifications of that scope. OSHA maintains an informational web page for each NRTL, including TUVRNA, which details that NRTL's scope of recognition. These pages are available from the OSHA website at *http://www.osha.gov/dts/otpca/nrtl/index.html.*

TUVRNA submitted an application, dated January 30, 2019 (OSHA–2007–0042–0051), to expand recognition to include the addition of four test standards. OSHA staff performed a detailed analysis of the application packet and reviewed other pertinent information. OSHA did not perform any on-site reviews in relation to this application.

OSHA published the preliminary notice announcing TUVRNA's

expansion applications in the **Federal Register** on June 25, 2021 (86 FR 33779). The agency requested comments by July 12, 2021, but it received no comments in response to this notice. OSHA now is proceeding with this final notice to grant expansion of TUVRNA's scope of recognition.

To review copies of all public documents pertaining to TUVRNA's application, go to *www.regulations.gov* or contact the Docket Office, Occupational Safety and Health Administration, U.S. Department of Labor at (202) 693–2350. Docket No. OSHA–2007–0042 contains all materials in the record concerning TUVRNA's recognition.

II. Final Decision and Order

OSHA staff examined TUVRNA's expansion application, their capability to meet the requirements of the test standards, and other pertinent information. Based on its review of this evidence, OSHA finds that TUVRNA meets the requirements of 29 CFR 1910.7 for expansion of its recognition, subject to the limitations and conditions listed below. OSHA, therefore, is proceeding with this final notice to grant TUVRNA's scope of recognition. OSHA limits the expansion of TUVRNA's recognition to testing and certification of products for demonstration of conformance to the test standards listed below in Table 1.

TABLE 1—LIST OF APPROPRIATE TEST STANDARDS FOR INCLUSION IN TUVRNA'S NRTL SCOPE OF RECOGNITION

Test standard	Test standard title
UL 399	Standard for Drinking-Water Coolers.
UL 1973	Standard for Batteries for Use in Stationary, Vehicle Auxillary Power and Light Electric Rail (LER) Applications.
UL 2054	Standard for Household and Commercial Batteries.
UL 2271	Standard for Batteries for Use in Light Electric Vehicle Applications.

OSHA's recognition of any NRTL for a particular test standard is limited to equipment or materials for which OSHA standards require third-party testing and certification before using them in the workplace. Consequently, if a test standard also covers any products for which OSHA does not require such testing and certification, a NRTL's scope of recognition does not include these products.

A. Conditions

Recognition is contingent on continued compliance with 29 CFR 1910.7, including but not limited to, abiding by the following conditions of recognition:

1. TUVRNA must inform OSHA as soon as possible, in writing, of any change of ownership, facilities, or key personnel, and of any major change in its operations as a NRTL, and provide details of the change(s);

2. TUVRNA must meet all the terms of its recognition and comply with all OSHA policies pertaining to this recognition; and

3. TUVRNA must continue to meet the requirements for recognition, including all previously published conditions on TUVRNA's scope of recognition, in all areas for which it has recognition.

OSHA hereby expands the scope of recognition of TUVRNA, subject to the limitations and conditions specified above.

III. Authority and Signature

James S. Frederick, Acting Assistant Secretary of Labor for Occupational Safety and Health, 200 Constitution Avenue NW, Washington, DC 20210, authorized the preparation of this notice. Accordingly, the agency is issuing this notice pursuant to 29 U.S.C. 657(g)(2), Secretary of Labor's Order No. 8–2020 (85 FR 58393, September 18, 2020) and 29 CFR 1910.7.

Signed at Washington, DC, on August 17, 2021.

James S. Frederick,

Acting Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2021–18145 Filed 8–23–21; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2006–0040]

SGS North America, Inc.: Application for Expansion of Recognition and Proposed Modification to the NRTL Program's List of Appropriate Test Standards

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice.

SUMMARY: In this notice, OSHA announces the application of SGS North America, Inc., for expansion of recognition as a Nationally Recognized Testing Laboratory (NRTL) and presents the agency's preliminary finding to grant the application. Additionally, OSHA proposes to add one test standard to the NRTL Program's List of Appropriate Test Standards.

DATES: Submit comments, information, and documents in response to this notice, or requests for an extension of time to make a submission, on or before September 8, 2021.

ADDRESSES: Submit comments by any of the following methods:

Electronically: You may submit comments and attachments electronically at: *https://www.regulations.gov,* which is the Federal eRulemaking Portal. Follow the instructions online for submitting comments.

Docket: To read or download comments or other material in the docket, go to *http://www.regulations.gov.* Documents in the docket are listed in the *http://www.regulations.gov* index; however, some information (*e.g.,* copyrighted material) is not publicly available to read or download through the website. All submissions, including copyrighted material, are available for inspection through the OSHA Docket Office. Contact the OSHA Docket Office at (202) 693–2350 (TTY (877) 889–5627) for assistance in locating docket submissions.

Instructions: All submissions must include the agency name and the OSHA docket number for this **Federal Register** notice (OSHA–2006–0040). OSHA will place comments and requests to speak, including personal information, in the public docket, which may be available online. Therefore, OSHA cautions interested parties about submitting personal information such as Social Security numbers and birthdates. For further information on submitting comments, see the ''Public Participation'' heading in the section of this notice titled **SUPPLEMENTARY INFORMATION.**

Extension of comment period: Submit requests for an extension of the comment period on or before September 8, 2021 to the Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor, or by fax to (202) 693–1644.

FOR FURTHER INFORMATION CONTACT: Information regarding this notice is available from the following sources:

Press inquiries: Contact Mr. Frank Meilinger, Director, OSHA Office of Communications, U.S. Department of Labor, telephone: (202) 693–1999; email: *meilinger.francis2@dol.gov.*

General and technical information: Contact Mr. Kevin Robinson, Director, Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor; phone: (202) 693–2110 or email: *robinson.kevin@dol.gov.*

SUPPLEMENTARY INFORMATION:

I. Notice of the Application for Expansion

The Occupational Safety and Health Administration is providing notice that SGS North America, Inc. (SGS) is applying for an expansion of the current recognition as a NRTL. SGS requests the addition of five test standards to its NRTL scope of recognition.

OSHA recognition of a NRTL signifies that the organization meets the requirements specified in 29 CFR 1910.7. Recognition is an acknowledgment that the organization can perform independent safety testing and certification of the specific products covered within the scope of recognition. Each NRTL's scope of recognition includes (1) the type of products the NRTL may test, with each type specified by the applicable test standard; and (2) the recognized site(s) that has/have the technical capability to perform the product-testing and product-certification activities for test standards within the NRTL's scope. Recognition is not a delegation or grant of government authority; however, recognition enables employers to use products approved by the NRTL to meet OSHA standards that require product testing and certification.

The agency processes applications by NRTLs or applicant organizations for initial recognition, as well as for expansion or renewal of recognition, following requirements in Appendix A to 29 CFR 1910.7. This appendix requires that the agency publish two notices in the **Federal Register** in processing an application. In the first notice, OSHA announces the application and provides a preliminary finding. In the second notice, the agency provides the final decision on the application. These notices set forth the NRTL's scope of recognition or modifications of that scope. OSHA maintains an informational web page for each NRTL, including SGS, which details that NRTL's scope of recognition. These pages are available from the OSHA website at *http://www.osha.gov/dts/otpca/nrtl/index.html.*

SGS currently has nine facilities (sites) recognized by OSHA for product testing and certification, with the headquarters located at: SGS North America, Inc., 620 Old Peachtree Road, Suwanee, Georgia 30024. A complete list of SGS's scope of recognition is available at *https://www.osha.gov/dts/otpca/nrtl/sgs.html.*

II. General Background on the Application

SGS submitted an application to OSHA to expand recognition as a NRTL to include five additional test standards on February 5, 2020 (OSHA–2006–0040–0066). OSHA staff performed a detailed analysis of the application packet and reviewed other pertinent information. OSHA did not perform any on-site reviews in relation to this application.

Table 1 lists the test standards found in SGS's application for expansion for testing and certification of products under the NRTL Program.

TABLE 1—PROPOSED LIST OF APPROPRIATE TEST STANDARDS FOR INCLUSION IN SGS'S NRTL SCOPE OF RECOGNITION

Test standard	Test standard title
UL 355	Cord Reels.
UL 1576*	Flashlights and Lanterns.
UL 1977	Component Connectors for Use in Data, Signal, Control and Power Applications.
UL 8753	Field-Replaceable Light Emitting Diode (LED) Light Engines.
UL 61800–5–1	Adjustable Speed Electrical Power Drive Systems—Part 5–1: Safety Requirements—Electrical, Thermal and Energy.

*Represents the standard OSHA proposes to add to the NRTL Program's List of Appropriate Test Standards.

III. Proposal To Add a New Test Standard to the NRTL Program's List of Appropriate Test Standards

Periodically, OSHA will propose to add new test standards to the NRTL list of appropriate test standards following an evaluation of the test standard document. To qualify as an appropriate test standard, the agency evaluates the document to (1) verify it represents a product category for which OSHA requires certification by a NRTL, (2) verify the document represents an end product and not a component, and (3) verify the document defines safety test specifications (not installation or operational performance specifications). OSHA becomes aware of new test standards through various avenues. For example, OSHA may become aware of new test standards by: (1) Monitoring notifications issued by certain Standards Development Organizations; (2) reviewing applications by NRTLs or applicants seeking recognition to include new test standard in their scopes of recognition; and (3) obtaining notification from manufacturers, manufacturing organizations, government agencies, or other parties. OSHA may determine to include a new test standard in the list, for example, if the test standard is for a particular type of product that another test standard also covers or it covers a type of product that no standard previously covered.

In this notice, OSHA proposes to add one new test standard to the NRTL Program's list of appropriate test standards. Table 2, below, lists this test standard.

TABLE 2—TEST STANDARDS OSHA IS PROPOSING TO ADD TO THE NRTL PROGRAM'S LIST OF APPROPRIATE TEST STANDARDS

Test standard	Test standard title
UL 1576*	Flashlights and Lanterns.

IV. Preliminary Findings

SGS submitted an acceptable application for expansion of the scope of recognition. OSHA's review of the application file and pertinent documentation preliminarily indicates that SGS can meet the requirements prescribed by 29 CFR 1910.7 for expanding its recognition to include the addition of the five test standards listed in Table 1, above, for NRTL testing and certification. This preliminary finding does not constitute an interim or

temporary approval of SGS's application.

OSHA also preliminarily determined that the test standard listed in Table 2, above, is an appropriate test standard and that this test standard should be added to the NRTL Program's List of Appropriate Test Standards.

OSHA seeks public comment on these preliminary determinations.

V. Public Participation

OSHA welcomes public comment as to whether SGS meets the requirements of 29 CFR 1910.7 for expansion of the recognition as a NRTL and whether the test standard listed in Table 2, above, is an appropriate test standard that should be included in the NRTL Program's List of Appropriate Test Standards. Comments should consist of pertinent written documents and exhibits.

Commenters needing more time to comment must submit a request in writing, stating the reasons for the request. Commenters must submit the written request for an extension by the due date for comments. OSHA will limit any extension to 10 days unless the requester justifies a longer period. OSHA may deny a request for an extension if the request is not adequately justified.

To review copies of the exhibits identified in this notice, as well as comments submitted to the docket, contact the Docket Office, Occupational Safety and Health Administration, U.S. Department of Labor. These materials also are generally available online at *http://www.regulations.gov* under Docket No. OSHA–2006–0040 (for further information, see the ''*Docket*'' heading in the section of this notice titled **ADDRESSES**).

OSHA staff will review all comments to the docket submitted in a timely manner and, after addressing the issues raised by these comments, will make a recommendation to the Assistant Secretary for Occupational Safety and Health whether to grant SGS's application for expansion of the scope of recognition and to add the test standard listed in Table 2, above, to the NRTL Program's List of Appropriate Test Standards. The Assistant Secretary will make the final decision on granting the application and on adding the test standard listed in Table 2, above, to the NRTL Program's List of Appropriate Test Standards. In making these decisions, the Assistant Secretary may undertake other proceedings prescribed in Appendix A to 29 CFR 1910.7.

OSHA will publish a public notice of the final decision in the **Federal Register**.

VI. Authority and Signature

James S. Frederick, Acting Assistant Secretary of Labor for Occupational Safety and Health, 200 Constitution Avenue NW, Washington, DC 20210, authorized the preparation of this notice. Accordingly, the agency is issuing this notice pursuant to 29 U.S.C. 657(g)(2), Secretary of Labor's Order No. 8–2020 (85 FR 58393, September 18, 2020) and 29 CFR 1910.7.

Signed at Washington, DC, on August 17, 2021.

James S. Frederick,

Acting Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2021–18142 Filed 8–23–21; 8:45 am]

BILLING CODE 4510–26–P

POSTAL REGULATORY COMMISSION

[Docket Nos. CP2021–131; MC2021–127 and CP2021–132; MC2021–128 and CP2021–133]

New Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning a negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* August 26, 2021.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the market dominant or the competitive product list, or the modification of an existing product currently appearing on the market dominant or the competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (*http://www.prc.gov*). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3011.301.[1]

The Commission invites comments on whether the Postal Service's request(s) in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern market dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3030, and 39 CFR part 3040, subpart B. For request(s) that the Postal Service states concern competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3035, and 39 CFR part 3040, subpart B. Comment deadline(s) for each request appear in section II.

II. Docketed Proceeding(s)

1. *Docket No(s):* CP2021–131; *Filing Title:* Notice of United States Postal Service of Filing a Functionally Equivalent Global Reseller Expedited Package 2 Negotiated Service Agreement and Application for Non-Public Treatment of Materials Filed Under Seal; *Filing Acceptance Date:* August 18, 2021; *Filing Authority:* 39 CFR 3035.105; *Public Representative:* Gregory Stanton; *Comments Due:* August 26, 2021.

2. *Docket No(s).:* MC2021–127 and CP2021–132; *Filing Title:* USPS Request to Add Priority Mail Express International, Priority Mail International, First-Class Package International Service & Commercial EPacket Contract 10 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance*

[1] *See* Docket No. RM2018–3, Order Adopting Final Rules Relating to Non-Public Information, June 27, 2018, Attachment A at 19–22 (Order No. 4679).

Date: August 18, 2021; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative:* Kenneth R. Moeller; *Comments Due:* August 26, 2021.

3. *Docket No(s).:* MC2021–128 and CP2021–133; *Filing Title:* USPS Request to Add First-Class Package Service Contract 116 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* August 18, 2021; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative:* Kenneth R. Moeller; *Comments Due:* August 26, 2021.

This Notice will be published in the **Federal Register**.

Erica A. Barker,

Secretary.

[FR Doc. 2021–18204 Filed 8–23–21; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL SERVICE

International Product Change—Priority Mail Express International, Priority Mail International, First-Class Package International Service & Commercial ePacket Agreement: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a Priority Mail Express International, Priority Mail International, First-Class Package International Service & Commercial ePacket contract to the list of Negotiated Service Agreements in the Competitive Product List in the Mail Classification Schedule.

DATES: *Date of notice:* August 24, 2021.

FOR FURTHER INFORMATION CONTACT: Christopher C. Meyerson, (202) 268–7820.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on August 18, 2021, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express International, Priority Mail International, First-Class Package International Service & Commercial ePacket Contract 10 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2021–127 and CP2021–132.

Joshua J. Hofer,

Attorney, Ethics & Legal Compliance.

[FR Doc. 2021–18171 Filed 8–23–21; 8:45 am]

BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–205; OMB Control No. 3235–0194]

Submission for OMB Review; 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 24b–1

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'') has submitted to the Office of Management and Budget (''OMB'') a request for approval of extension of the previously approved collection of information provided for in Rule 24b–1 (17 CFR 240.24b–1) under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*).

Rule 24b–1 requires a national securities exchange to keep and make available for public inspection a copy of its registration statement and exhibits filed with the Commission, along with any amendments thereto.

There are 24 national securities exchanges that spend approximately one-half hour each per year complying with this rule, for an aggregate total time burden of approximately 12 hours per year. The staff estimates that the average cost per respondent is approximately $65.18 per year ($13.97 for copying plus $51.21 for storage), resulting in a total cost burden for all respondents of approximately $1,564.32 per year.

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.

The public may view background documentation for this information collection at the following website: *www.reginfo.gov.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to (i) *www.reginfo.gov/public/do/PRAMain* and (ii) David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o Cynthia Roscoe, 100 F Street NE, Washington, DC 20549, or by sending an email to: *PRA_Mailbox@sec.gov.*

Dated: August 18, 2021.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2021–18106 Filed 8–23–21; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–92699; File No. SR–Phlx–2021–45]

Self-Regulatory Organizations; Nasdaq PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Phlx Rules at Options 8, Section 34, FLEX Index, Equity, and Currency Options, To Extend the Maximum Expiration Term for FLEX Index and Equity Options

August 18, 2021.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on August 13, 2021, Nasdaq PHLX LLC (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Phlx Rules at Options 8, Section 34, ''FLEX Index, Equity and Currency Options,'' to extend the expiration term for FLEX index and equity options to a maximum expiration term of 15 years.

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/phlx/rules,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Phlx Rules at Options 8, Section 34, ''FLEX Index, Equity, and Currency Options.'' Today, Phlx permits members and member organizations to transact FLEX options on its Trading Floor. FLEX options provide investors with the ability to customize basic option features including expiration date, exercise style, and certain exercise prices. FLEX options may be FLEX index, equity, or currency options. The Exchange proposes to amend the expiration term for FLEX index and equity options to remain competitive with other options exchanges as described below in greater detail.

Currently, the expiration date for a FLEX index option is any month, business day and year within 5 years. The expiration date for FLEX equity and currency options is any month, business day and year within 3 years.[3] Further, with respect to FLEX equity options, a member or member organization may request a longer term up to a maximum of five years, and upon the assessment of the Regulatory staff that sufficient liquidity exists among FLEX equity participants, such a request may be granted. Regulatory staff are Exchange employees responsible for, among other things, assessing that sufficient liquidity exists among FLEX equity participants requesting a term exceeding three years to a maximum of five years.[4]

The Exchange proposes to increase the maximum term for FLEX index and equity options to 15 years similar to Cboe Exchange, Inc. (''Cboe''), NYSE Arca, Inc. (''NYSE Arca''), and NYSE American LLC (''NYSE American''). Today, Cboe, NYSE Arca, and NYSE American permit a maximum term of fifteen years for FLEX equity and index options.[5] With this amendment, the Exchange would eliminate the requirement applicable to equity options that Regulatory staff make a liquidity assessment. The expiration date for FLEX currency options will remain within 3 years. The amendment is proposed for the below reasons.

First, the proposal is intended to simplify the process and permit Phlx members and member organizations to transact FLEX index and equity options with the same expiration terms as Cboe, NYSE Arca, and NYSE American members. This amendment would permit all FLEX equity and index options to have the same maximum 15 year term as other options markets that offer FLEX.[6]

Second, expanding the maximum expiration terms to 15 years uniformly for FLEX index and equity options will permit transactions which currently trade over-the-counter (''OTC'') to be conducted within an exchange environment. Phlx believes that expanding the eligible term for FLEX equity and index options, as proposed, is important and necessary to the Exchange's efforts to create products and markets that provide members, member organizations, and investors interested in FLEX-type options with an improved but comparable alternative to the OTC market in customized options, which can take on contract characteristics similar to FLEX options, but are not subject to the same maximum term restriction. By expanding the eligible term for FLEX index and equity options, market participants will now have greater flexibility in determining whether to execute their customized options in an exchange environment or in the OTC market, similar to Cboe, NYSE Arca, and NYSE American. The Exchange believes market participants benefit from being able to trade these customized options in an exchange environment in several ways, including, but not limited to the following: (1) Enhanced efficiency in initiating and closing out positions; (2) increased market transparency; and (3) heightened contra-party creditworthiness due to the role of The Options Clearing Corporation (''OCC'') as issuer and guarantor of FLEX options.

Third, the Exchange believes that the proposed rule change will allow investors to use longer expiration FLEX equity and index options to hedge longer-term issuances of structured products linked to returns of an individual stock. Specifically, the proposal will allow institutions to use longer-term FLEX index options to protect portfolios from long-term market moves with a known and limited cost. The proposal will better serve the long-term hedging needs of institutional investors and provide those investors with an alternative to hedging their portfolios with off-exchange customized options and warrants.

Fourth, the Exchange proposes to eliminate rule text that describes Regulatory staff's discretionary authority to extend the maximum term of FLEX options that expire within three years pursuant to Options 8, Section 34(b)(6)(B) after having performed a liquidity assessment, and also renumber current Options 8, Section 34(b)(6)(C) to new ''B'' because the process by which FLEX options are transacted already requires floor members to seek liquidity in open outcry. Today, FLEX options transactions are exposed in open outcry on the Trading Floor similar to other options. Specifically, today, a Requesting Member[7] initiates a Request-For-Quote (''RFQ'')[8] by announcing certain contracts terms[9] in open outcry and submitting an RFQ ticket, which includes the open outcry BBO as identified in accordance with the price and time priority principles set forth by the Exchange, to the Market Operations post on the Trading Floor. On receipt of an RFQ in proper form, Market Operations disseminates the terms of the RFQ along with the open outcry BBO as an administrative message through the Options Price Reporting Authority (''OPRA'').[10] At the expiration of the Request Response Time, the Requesting Member may re-enter the trading crowd and proceed with announcing his FLEX order and negotiating the terms of the execution in open outcry. Once the FLEX order is executed in open outcry, the FLEX trade is disseminated to OPRA by the Exchange.[11] Requesting Members may

[3] *See* Options 8, Section 34(b)(6)(A).

[4] The Exchange may also designate other qualified Exchange employees to assist the Regulatory staff as the need arises. *See* Options 8, Section 34(b)(6)(B).

[5] *See* Cboe Rule 4.21(b)(4). *See* Securities Exchange Act Release No. 58890 (October 30, 2008), 73 FR 66085 (November 6, 2008) (SR–CBOE–2008–98) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Increase the Maximum Term for FLEX Options). *See also* NYSE Arca 5.32–O and NYSE American Rule 903G.

[6] *See* Cboe's Rule 4.21(b)(4), NYSE Arca 5.32–O and NYSE American Rule 903G.

[7] A Requesting Member is a member of the Exchange qualified to trade FLEX options pursuant to Options 3, Section 34(d) who initiates an RFQ for a FLEX option. *See* Options 3, Section 34(b)(11).

[8] The term ''Request for Quotes'' means the initial request supplied by a Requesting Member to initiate FLEX bidding and offering. *See* Options 3, Section 34(b)(10).

[9] A Request Member must announce: (1) Underlying index, security or foreign currency; (2) type, size, and crossing intention; (3) in the case of FLEX index options and FLEX equity options, exercise style; (4) expiration date; (5) exercise price; and (6) respecting index options, the settlement value. See Options 8, Section 34(c)(1). *See* Options 3, Section 34(c)(1).

[10] FLEX Quotes must be entered during the Request Response Time of 15 seconds. All FLEX Quotes may be entered, modified or withdrawn at any point during the request response time. *See* Options 8, Section 34(c)(2).

[11] If the Requesting Member has not indicated an intention to cross or act as principal with respect to any part of the FLEX trade, the member shall promptly accept or reject the displayed BBO: Provided, however, that if such a Requesting

indicate an intention to cross,[12] permitting participation with all other FLEX-participating members in attempting to improve or match the BBO during the BBO Improvement Interval.[13] At expiration of the BBO Improvement Interval, the Requesting Member must promptly accept or reject the BBO(s); the Requesting Member has no obligation to accept any FLEX bid or offer.[14] RFQs, responsive quotes and completed trades are promptly reported to OPRA and disseminated as an administrative message by the Exchange. As the foregoing process demonstrates, Phlx seeks to maintain a competitive Trading Floor through the administration of its rules which contain processes to ensure that options transactions are exposed in such a way as to permit other floor members an opportunity to participate in price discovery by requiring floor members to seek liquidity in open outcry. For example, the Options 8 rules require one Floor Market Maker to be present in the trading crowd prior to representing an order for execution as a means to expose orders to potential liquidity. As such, separate liquidity assessments by Regulatory staff are not needed.

Fifth, similar to Cboe, the proposed rule change incorporates the concept that the expiration date is the date on which an executed FLEX option is submitted to the System, which, on Phlx, is the date the FLEX option is reported to OPRA and disseminated as an administrative message through the System[15] by Market Operations staff. A FLEX option series is available for trading only when exposed in open outcry and, after completion of the RFQ process, thereafter, Exchange staff manually submits the executed FLEX option to the System through which it is promptly reported to OPRA and disseminated as an administrative message. For purposes of the definition of the System pursuant to Phlx Rules, the date of submission to the Phlx System is the date on which the executed FLEX option is reported to OPRA.

Technical Amendments

The Exchange proposes to amend the rule text utilized to describe the maximum expiration for a FLEX currency option to conform that language to the terminology proposed herein to describe maximum expirations for FLEX index and equity options. The Exchange would delete the rule text which states, ''within three years for FLEX currency options,'' and replace that rule text with the phrase ''no more than 3 years from the date on which a FLEX currency option is submitted to the System.'' The Exchange is not amending the term for FLEX currency options.

The Exchange also proposes to add a '','' after the word ''Equity'' in the title of Options 8, Section 34 and amend the term ''FLEX Order'' within Options 8, Section 34(b)(6)(B) to ''FLEX option order'' to conform the usage of the term throughout Options 8, Section 34. The Exchange proposes to remove ''; or'' within Options 8, Section 34(b)(6)(A).

Finally, the Exchange proposes two amendments within Options 8, Section 34(c) to update the name of the post and identify the message sent by the Exchange. To that end, the term ''FLEX post'' is proposed to be changed to ''Market Operations post'' and the phrase ''administrative text message'' is proposed to be change to ''administrative message.'' These proposed changes will update the rule to the current terminology. These proposed amendments do not represent substantive changes to the current FLEX option process, rather these changes are merely wording changes which continue to reflect the current process without substantive change.

Implementation

The Exchange intends to begin implementation of the proposed rule change no earlier than September 13, 2021 and no later than September 30, 2021. The Exchange will issue an Options Trader Alert to Participants to provide notification of the implementation date.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[16] in general, and furthers the objectives of Section 6(b)(5) of the Act,[17] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest.

This proposal is intended to simplify the process and permit Phlx members and member organizations to transact FLEX index and equity options with the same expiration terms as Cboe, NYSE Arca, and NYSE American members. This amendment would permit all FLEX equity and index options to have the same maximum 15 year term as other options markets that offer FLEX.[18] For the reasons Phlx has articulated below, the Exchange believes this proposal is consistent with the Act.

Expanding the maximum expiration terms to 15 years uniformly for FLEX index and equity options is consistent with the Act as it will permit transactions which currently trade OTC to be conducted within an exchange environment. Phlx believes that expanding the eligible term for FLEX equity and index options, as proposed, is important and necessary to the Exchange's efforts to create products and markets that provide members, member organizations, and investors interested in FLEX-type options with an

Member either rejects the BBO or is given a BBO for less than the entire size requested, all FLEX participating members other than the Requesting Member will have an opportunity during the BBO Improvement Interval in which to match, or improve, (as applicable), the BBO. At the expiration of any such BBO Improvement Interval, the Requesting Member must promptly accept or reject the BBO(s). *See* Options 8, Section 34(c)(3).

[12] If the Requesting Member has indicated an intention to cross or act as principal with respect to any part of the FLEX trade, acceptance of the displayed BBO shall be automatically delayed until the expiration of the BBO Improvement Interval. Prior to the BBO Improvement Interval, the Requesting Member must indicate at the post the price at which the member expects to trade. In the case of FLEX equity options only whenever the Requesting Member has indicated an intention to cross or act as principal on the trade and has matched or improved the BBO during the BBO Improvement Interval, the Requesting Member will be permitted to execute the contra side of the trade that is the subject of the RFQs, to the extent of at least 40% of the trade, provided the order is a Public Customer order or an order respecting the Requesting Member's firm proprietary account. Notwithstanding the foregoing, all market participants may effect crossing transactions. *See* Options 8, Section 34(c)(5).

[13] The BBO Improvement Interval means the minimum period of time, to be established by the Exchange, during which members may submit FLEX Quotes to meet or improve the BBO established during the Request Response Time. *See* Options 8, Section 34(b)(15).

[14] Whenever, following the completion of FLEX bidding and offering responsive to a given RFQs, the Requesting Member rejects the BBO or the BBO size exceeds the FLEX transaction size indicated in the RFQs, members may accept the entire order or the unfilled balance of the BBO. *See* Options 8, Section 34(c)(3).

[15] The term ''System'' shall mean the automated system for order execution and trade reporting owned and operated by the Exchange which comprises: (i) An order execution service that enables members to automatically execute transactions in option series; and provides members with sufficient monitoring and updating capability to participate in an automated execution environment; (ii) a trade reporting service that submits ''locked-in'' trades for clearing to a registered clearing agency for clearance and settlement; transmits last-sale reports of transactions automatically to the Options Price Reporting Authority (''OPRA'') for dissemination to the public and industry; and provides participants with monitoring and risk management capabilities to facilitate participation in a ''locked-in'' trading environment; and (iii) the data feeds described at Options 3, Section 23. *See* Options 1, Section 1(b)(57).

[16] 15 U.S.C. 78f(b).

[17] 15 U.S.C. 78f(b)(5).

[18] *See* Cboe's Rule 4.21(b)(4), NYSE Arca 5.32–O and NYSE American Rule 903G.

improved but comparable alternative to the OTC market in customized options, which can take on contract characteristics similar to FLEX options, but are not subject to the same maximum term restriction. By expanding the eligible term for FLEX index and equity options, market participants will now have greater flexibility in determining whether to execute their customized options in an exchange environment or in the OTC market, similar to Cboe, NYSE Arca, and NYSE American. Specifically, Market participants benefit from being able to trade these customized options in an exchange environment in several ways, including, but not limited to the following: (1) Enhanced efficiency in initiating and closing out positions; (2) increased market transparency; and (3) heightened contra-party creditworthiness due to the role of OCC as issuer and guarantor of FLEX options.

The proposal will allow investors to use longer expiration FLEX equity and index options to hedge longer-term issuances of structured products linked to returns of an individual stock. Specifically, the proposal is consistent with the Act because it will allow institutions to use longer-term FLEX index options to protect portfolios from long-term market moves with a known and limited cost, thereby better serving the long-term hedging needs of institutional investors and provide those investors with an alternative to hedging their portfolios with off-exchange customized options and warrants.

The Exchange's proposal to eliminate rule text that describes Regulatory staff's discretionary authority to extend the maximum term of FLEX options that expire within three years pursuant to Options 8, Section 34(b)(6)(B) after having performed a liquidity assessment and also renumber current Options 8, Section 34(b)(6)(C) to new ''B'' is consistent with the Act because the process by which the FLEX options are transacted already require floor members to seek liquidity in open outcry. The Exchange details its process above for seeking liquidity in open outcry when transacting FLEX options today on the Trading Floor. As the above-referenced process demonstrates, Phlx seeks to maintain a competitive Trading Floor through the administration of its rules which contain processes to ensure that options transactions are exposed in such a way as to permit other floor members an opportunity to participate in price discovery by requiring floor members to seek liquidity in open outcry. For example, the Options 8 rules require one Floor Market Maker to be present in the trading crowd prior to representing an order for execution as a means to expose orders to potential liquidity. As such, separate liquidity assessments by Regulatory staff are not needed.

Similar to Cboe, the proposed rule change incorporates the concept that the expiration date is the date on which an executed FLEX option is submitted to the System, which, on Phlx, is the date the FLEX option is reported to OPRA and disseminated as an administrative message through the System by Market Operations staff. A FLEX option series is available for trading only when exposed in open outcry and, after completion of the RFQ process, thereafter, Exchange staff manually submits the executed FLEX option to the System through which it is promptly reported to OPRA and disseminated as an administrative message. For purposes of the definition of the System pursuant to Phlx Rules, the date of submission to the Phlx System is the date on which the executed FLEX option is reported to OPRA.

Technical Amendments

The Exchange's proposal to amend the rule text utilized to describe the maximum expiration for a FLEX currency option is consistent with the Act because it conforms that language to the terminology proposed herein to describe maximum expirations for FLEX index and equity options. The proposal to delete the rule text which states, ''within three years for FLEX currency options,'' and replace that rule text with the phrase ''no more than 3 years from the date on which a FLEX currency option is submitted to the System'' is non-substantive.

The Exchange's proposals to add a '','' after the word ''Equity'' in the title of Options 8, Section 34, amend the term ''FLEX Order'' within Options 8, Section 34(b)(6)(B) to ''FLEX option order,'' and remove ''; or'' within Options 8, Section 34(b)(6)(A) are non-substantive rule changes. Finally, the proposals to update the name of the post and identify the message sent by the Exchange are also non-substantive rule changes. These proposed amendments do not represent substantive changes to the current FLEX option process, rather these changes are merely wording changes which continue to reflect the current process without substantive change.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. All floor participants are able to transact FLEX options. As noted herein, this amendment will provide Phlx with a comparable alternative to the OTC market in customized options. Finally, Cboe, NYSE Arca, and NYSE American permit expirations of up to 15 years for FLEX index and equity options.[19]

Technical Amendments

The Exchange's proposal to amend the rule text utilized to describe the maximum expiration for a FLEX currency option does not impose an undue burden on competition because it conforms that language to the terminology proposed herein to describe maximum expirations for FLEX index and equity options. The proposal to delete the rule text which states, ''within three years for FLEX currency options,'' and replace that rule text with the phrase ''no more than 3 years from the date on which a FLEX currency option is submitted to the System'' is non-substantive.

The Exchange's proposals to add a '','' after the word ''Equity'' in the title of Options 8, Section 34, amend the term ''FLEX Order'' within Options 8, Section 34(b)(6)(B) to ''FLEX option order,'' and remove ''; or'' within Options 8, Section 34(b)(6)(A) are non-substantive rule changes. Finally, the proposals to update the name of the post and identify the message sent by the Exchange are also non-substantive rule changes. These proposed amendments do not represent substantive changes to the current FLEX option process, rather these changes are merely wording changes which continue to reflect the current process without substantive change.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section

[19] *See* Cboe's Rule 4.21(b)(4), NYSE Arca 5.32–O and NYSE American Rule 903G.

19(b)(3)(A)(iii) of the Act [20] and subparagraph (f)(6) of Rule 19b–4 thereunder.[21]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–Phlx–2021–45 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–Phlx–2021–45. 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–Phlx–2021–45 and should be submitted on or before September 14, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[22]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2021–18117 Filed 8–23–21; 8:45 am]

BILLING CODE 8011–01–P

[20] 15 U.S.C. 78s(b)(3)(A)(iii).

[21] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[22] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–92697; File No. SR–NASDAQ–2021–063]

Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Options 3, Section 17 (Kill Switch)

August 18, 2021.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that on August 9, 2021, The Nasdaq Stock Market LLC (''Nasdaq'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to decommission the Exchange's quote removal Kill Switch functionality at Options 3, Section 17.

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Options 3, Section 17 to decommission the Exchange's quote removal Kill Switch functionality, which is an optional tool that allows Market Makers to initiate a message (or messages) [4] to the System [5] to promptly remove their quotes from the market. Market Makers may submit a request to the System to remove quotes based on certain identifier(s) on either a user or group level (''Identifier'').[6] If quotes are cancelled by the Market Maker using Kill Switch, it will result in the removal of all quotes requested for the Identifier(s). The Market Maker will be unable to enter any additional quotes for the affected Identifier(s) until the Market Maker sends a re-entry request to the Exchange.[7]

Due to the lack of demand for the quote removal Kill Switch by Market Makers, the Exchange proposes to decommission this optional tool by the end of Q4 2021.[8] The Exchange will provide market participants with prior notice of the decommission. With the

[4] Today, Market Makers can log into an interface to send a message to the Exchange to initiate the Kill Switch.

[5] The term ''System'' means the automated system for order execution and trade reporting owned and operated by The Nasdaq Options Market LLC (''NOM''). *See* Options 1, Section 1(a)(59).

[6] Identifiers include Exchange accounts, ports, and/or badges or mnemonics. Thus, a Market Maker using Kill Switch may elect to remove quotes for an individual Identifier (*e.g.,* badge) or any group of Identifiers (*e.g.,* all badges within one Market Maker firm). Permissible groups must reside within a single member firm.

[7] *See* Options 3, Section 17. The Kill Switch tool also currently allows NOM Participants to cancel open orders and prevent new order submission. The Exchange is not proposing to decommission the order cancellation portion of the Kill Switch tool at this time.

[8] No Market Makers have used the Kill Switch for quote removal in 2021.

proposed changes, the Exchange seeks to streamline its product offerings and to reallocate Exchange resources to other business and risk management initiatives. While the Exchange will no longer offer this optional functionality to Market Makers, it will continue to offer similar quote management tools that would assist Market Makers with their efforts to manage their risk with respect to quotes on the Exchange. For example, Market Makers are currently able to send a mass purge request through Specialized Quote Feed (''SQF'') to pull their existing quotes from the market and inhibit the entry of new quotes until the Market Maker sends a message to the Exchange to re-enter the System.[9] Indeed, the Exchange has found that Market Makers utilize this SQF purge functionality instead of the Kill Switch quote removal tool when they want to remove their quotes from the market.

In addition, all Participants, including Market Makers, may contact the Exchange's market operations staff to request that the Exchange cancel any of their existing bids, offers, or orders in any series of options.[10] Furthermore, the Exchange will continue to have mandatory System-enforced risk mechanisms that automatically remove quotes for the Market Maker once certain pre-set thresholds or conditions are met. This includes risk protections such as rapid fire risk controls [11] and cancel on disconnect.[12]

To effect the decommissioning of the quote removal Kill Switch, the Exchange proposes to amend Options 3, Section 17 by eliminating all references to quote removal within this Rule. In connection with this change, the Exchange will also renumber current Options 3, Section 17(a)(ii) and (a)(iii) as Options 3, Section 17(a)(i) and (a)(ii), respectively.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[13] in general, and furthers the objectives of Section 6(b)(5) of the Act,[14] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest. Additionally, the Exchange believes that the proposed rule change is consistent with the Section 6(b)(5) requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

Specifically, the Exchange does not believe that the proposed rule change will affect the protection of investors or the public interest or the maintenance of a fair and orderly market because no Market Makers have used the quote removal Kill Switch risk control in 2021. In addition, the Exchange notes that the use of this tool is completely optional, and the Exchange will continue to offer Market Makers similar risk management tools such as the SQF mass quote purge functionality. As discussed above, the Exchange has found that Market Makers use the SQF purge functionality much more frequently than the quote removal Kill Switch to pull their quotes from the market. Furthermore, Market Makers will retain the ability to contact market operations staff to manually purge their quotes from the market. In addition, the Exchange will continue to implement mandatory System-enforced risk mechanisms that automatically remove quotes for the Market Maker once certain pre-set thresholds or conditions are met (*i.e.,* rapid fire and cancel on disconnect).

Also, the Exchange believes that the low usage rate for the quote removal Kill Switch does not warrant the continuous resources necessary for System support of such tools. As a result, the Exchange also believes that the proposal will remove impediments to and perfect the mechanism of a free and open market and a national market system by allowing the Exchange to reallocate System capacity and resources currently used to maintain this functionality to the development and maintenance of other business initiatives and risk management products.

As noted above, the Exchange will retain the ability for Participants to utilize Kill Switch to cancel orders and prevent new order submission. The Exchange does not believe that decommissioning the quote removal portion of the Kill Switch tool for Market Makers is unfairly discriminatory because Market Makers are professional traders with their own risk settings, and have more sophisticated infrastructures than most other market participants. Furthermore, as discussed above, the Exchange has determined that Market Makers currently use the mass purge functionality on SQF to pull their quotes from the market instead of using the quote removal Kill Switch tool to achieve the same result.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change will allow the Exchange to decommission a risk management tool that is rarely, if ever, used on the Exchange. As discussed above, Market Makers currently have a variety of similar tools like the quote removal Kill Switch that allow them to pull their quotes from the market and inhibit the entry of new quotes, including the mass quote purge functionality on SQF that the Exchange has found Market Makers use much more frequently than the quote removal Kill Switch to achieve the same result.

As noted above, the Exchange will retain the ability for Participants to utilize Kill Switch to cancel orders and prevent new order submission. The Exchange does not believe that decommissioning the quote removal portion of the Kill Switch tool for Market Makers will impose an undue burden on competition because Market Makers are professional traders with their own risk settings, and have more sophisticated infrastructures than most other market participants.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

[9] ''SQF'' is an interface that allows Market Makers to connect, send, and receive messages related to quotes and Immediate-or-Cancel Orders into and from the Exchange. Features include the following: (1) Options symbol directory messages (*e.g.,* underlying instruments); (2) system event messages (*e.g.,* start of trading hours messages and start of opening); (3) trading action messages (*e.g.,* halts and resumes); (4) execution messages; (5) quote messages; (6) Immediate-or-Cancel Order messages; (7) risk protection triggers and purge notifications; and (8) opening imbalance messages. The SQF Purge Interface only receives and notifies of purge requests from the Market Maker. Market Makers may only enter interest into SQF in their assigned options series. *See* Options 3, Section 7(e)(1)(B).

[10] *See* Options 3, Section 19.

[11] The rapid fire risk controls automatically remove Market Maker quotes submitted over SQF when certain firm-set thresholds are met. Once the thresholds are triggered, the Market Maker must send a re-entry indicator to re-enter the System. *See* Options 3, Section 15(c)(2).

[12] When the SQF Port detects the loss of communication with a NOM Participant's Client Application because the Exchange's server does not receive a Heartbeat message for a certain time period (''nn'' seconds), the Exchange will automatically logoff the NOM Participant's affected Client Application and automatically cancel all of the NOM Participant's open quotes. Quotes will be cancelled across all Client Applications that are associated with the same NOM Options Market Maker ID and underlying issues. *See* Options 3, Section 18(a).

[13] 15 U.S.C. 78f(b).

[14] 15 U.S.C. 78f(b)(5).

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [15] and Rule 19b–4(f)(6) thereunder.[16]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–NASDAQ–2021–063 on the subject line.

Paper Comments

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

All submissions should refer to File Number SR–NASDAQ–2021–063. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NASDAQ–2021–063, and should be submitted on or before September 14, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

Jill M. Peterson,

Assistant Secretary.

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[15] 15 U.S.C. 78s(b)(3)(A).

[16] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[17] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–629, OMB Control No. 3235–0719]

Submission for OMB Review; 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:

Exchange Act Rules 13n–1—13n–12; Form SDR

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'') has submitted to the Office of Management and Budget (''OMB'') a request for approval of extension of the previously approved collection of information provided for in Rules 13n–1 through 13n–12 (17 CFR 240.13n–1 through 240.13n–12) and Form SDR (''Rules''), under the Securities Exchange Act of 1934 (15 U.S.C. 78m(n)(3) *et seq.*).

Under the Rules, security-based swap data repositories (''SDRs'') are required to register with the Commission by filing a completed Form SDR (the filing of a completed Form SDR also constitutes an application for registration as a securities information processor (''SIP'')). SDRs are also required to abide by certain minimum standards set out in the Rules, including a requirement to update Form SDR, abide by certain duties and core principles, maintain data in accordance with the rules, keep systems in accordance with the Rules, keep records, provide reports to the Commission, maintain the privacy of security-based swaps (''SBSs'') data, make certain disclosures, and designate a Chief Compliance Officer. In addition, there are a number of collections of information contained in the Rules. The information collected pursuant to the Rules is necessary to carry out the mandates of the Dodd-Frank Act and help ensure an orderly and transparent market for SBSs.

Assuming a maximum of ten SDRs, the Commission estimates that the total reporting burden for all of the Rules and Form SDR for all respondents is 463,493 hours initially, with a total annual burden thereafter of 270,511.70 hours totaling approximately 1,275,028 hours. This equates to approximately 425,009.29 hours per year when annualized over three years. In addition, the Commission estimates that the total cost for all of the Rules and Form SDR for all respondents is approximately $103,364,700 initially, with a total annual cost thereafter of $65,227,720 totaling approximately $299,047,860. This equates to $99,682,619.90 per year when annualized over three years. A detailed break-down of the estimated burdens and costs is provided in the supporting statement.

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.

The public may view background documentation for this information collection at the following website: >*www.reginfo.gov*<. Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to (i) >*MBX.OMB.OIRA.SEC_desk_officer@omb.eop.gov*< and (ii)

David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o Cynthia Roscoe, 100 F Street NE, Washington, DC 20549, or by sending an email to: *PRA_Mailbox@sec.gov.*

Dated: August 18, 2021.

Jill M. Peterson,

Assistant Secretary.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–92702; File No. SR–CBOE–2021–045]

Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Filing and Order Granting Accelerated Approval of a Proposed Rule Change To Amend Rule 13.15, Which Governs the Exchange's Minor Rule Violation Plan

August 18, 2021.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on August 3, 2021, Cboe Exchange, Inc. filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons and approving the proposal on an accelerated basis.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe Exchange, Inc. (the ''Exchange'' or ''Cboe Options'') proposes to amend Rule 13.15, which governs the Exchange's Minor Rule Violation Plan (''MRVP''), in connection with certain minor rule violations, applicable fines, as well as other clarifying, nonsubstantive changes. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item III below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its MRVP in Rule 13.15 in connection with certain minor rule violations, applicable fines, as well as other clarifying, nonsubstantive changes. Rule 13.15 provides for disposition of specific violations through assessment of fines in lieu of conducting a formal disciplinary proceeding. Rule 13.15(g) sets forth the list of specific Exchange Rules under which a Trading Permit Holder (''TPH'') or person associated with or employed by a TPH may be subject to a fine for violations of such Rules and the applicable fines that may be imposed by the Exchange. Specifically, the proposed rule change amends Rule 13.15(g) by: (1) Eliminating certain rule violations that the Exchange no longer believes to be minor in nature; (2) updating the fine schedule applicable to minor rule violations related to a Market-Maker's failure to meet Exchange quoting obligations; and (3) making other nonsubstantive changes.

First, the proposed rule change removes the following rule violations and applicable fines from Rule 13.15(g): [3]

- Rule 13.15(g)(4), which currently imposes certain fines for failure to submit trade information on time and failure to submit trade information to the Price Reporter pursuant to Rule 6.1 (Report Transactions to the Exchange); [4]
- Rule 13.15(g)(5), which currently imposes certain fines for failure to honor the firm quote requirements of Rules 5.52 (Market-Maker Quotes) [5] and 5.59 (Firm Disseminated Market Quotes), to honor the priority of marketable priority customer orders pursuant to Rules 5.32 and 5.85 (which among other things, govern customer priority on the Exchange's trading floor),[6], and to use due diligence in the execution of orders for which the floor Trading Permit Holder maintains an agency obligation pursuant to Rule 5.91 (Floor Broker Responsibilities); [7]
- Rule 13.15(g)(7), which currently imposes certain fines for any individual Trading Permit Holder who fails for more than 5% of the Trading Permit Holder's transactions in any month to submit on the date that a transaction is

[3] As a result of the proposed elimination of certain rule violations listed under Rule 13.15(g), the proposed rule change subsequently renumbers current Rules 13.15(g)(6), (8), (9), (11), (13), (14), (15), (16), (17), (18), (19) and (20), to Rules 13.15(g)(4), (5), (6), (7), (8), (9), (10), (11), (12), (13), (14) and (15), respectively.

[4] *See* Rule 6.1(a), which provides that a participant in each transaction to be designated by the Exchange must report or ensure the transaction is reported to the Exchange within 90 seconds of the execution in a form and manner prescribed by the Exchange so that the trade information may be reported to time and sales reports; *and* Rule 6.1(c), which provides the Exchange-established procedure for reporting transactions pursuant to Rule 6.1(a).

[5] *See* Rule 5.52(a), which provides, in relevant part, that Market-Maker bids and offers are firm for all orders under this Rule and Rule 602 of Regulation NMS under the Exchange Act (''Rule 602'') for the number of contracts specified in the bid or offer, except if: (1) A system malfunction or other circumstance impairs the Exchange's ability to disseminate or update market bids and offers in a timely and accurate manner; (2) the level of trading activities or the existence of unusual market conditions is such that the Exchange is incapable of collecting, processing, and making available to quotation vendors the data for the option in a manner that accurately reflects the current state of the market on the Exchange; (3) prior to the conclusion of the Opening Auction Process; or (4) any of the circumstances provided in Rule 602(c)(4) exist.

[6] Rule 5.85(a)(2)(A), which provides that Priority Customer orders in the Book have first priority. If there are two or more Priority Customer orders in the Book at the same price, the System prioritizes them in the order in which the System received them (*i.e.,* in time priority). The Exchange notes that customer priority for electronic executions is systematically enforced. *See* Rule 5.32(a)(2)(A).

[7] *See* Rule 5.91(a), which provides that a Floor Broker handling an order must use due diligence to execute the order at the best price or prices available to him or, in accordance with the Rules. Use of due diligence in handling and executing an order includes: (1) Announcing to the trading crowd a request for quotes; (2) taking the necessary measures to ensure the proper execution of an order in accordance with firm quote obligations in Rule 5.52, including the executable quantity of a quote from the trading crowd; (3) the immediate and continuous representation at the trading station where the applicable class trades of the following types of orders: (A) Market orders; (B) limit orders to sell where the specified price is at or below the current offer or; and (C) limit orders to buy where the specified price is at or above the current bid; (4) subject to the requirement to systematize orders prior to representation pursuant to Rule 5.7(f), electronically recording the time via a PAR workstation at which the Floor Broker initially represents the order to the trading crowd; and (5) prioritizing the Floor Broker's agency business over the Floor Broker's liquidation orders (which liquidation orders are described in Rule 5.91(d)).

executed the trade information required by Rule 6.1; [8]

- Rule 13.15(g)(10), which currently imposes certain fines for violations of Rule 8.14 (Communications to the Exchange or the Clearing Corporation); [9] and
- Rule 13.15(g)(12), which currently imposes certain fines for trade-through violations pursuant to Rule 5.66 (Order Protection).[10]

Additionally, as a result of the proposed deletion of Rule 13.15(g)(4) and (g)(5), the proposed rule change also deletes Interpretations and Policies .01 and .02 to Rule 13.15, as Interpretation and Policy .01 exclusively relates to Rule 13.15(g)(5), and Interpretation and Policy .02 exclusively relates to Rule 13.15(g)(4). The proposed rule change also moves the entirety of the rule text in Interpretation and Policy .03, which exclusively corresponds to current Rule 13.15(g)(6), into Rule 13.15(g)(6) itself. Additionally, the proposed rule change moves the language currently in footnote 1 into current Rule 13.15(g)(6). Footnote 1 provides that Minor Rule Violation Fines imposed under this provision may be issued by Exchange Floor Officials. The Exchange notes that, while footnote 1 is currently appended to Rule 13.15(g)(5), which is being deleted as proposed herein, it more appropriately applies to current Rule 13.15(g)(6) (Violations of Trading Conduct and Decorum Policies), as fines for violations of which are currently issued by Exchange Floor Officials pursuant to Rule 5.80(c). Rule 5.80(c)(1)(A) specifically provides that Exchange Floor Officials may fine TPHs and persons employed by or associated with TPHs pursuant to Rule 13.15 for trading conduct and decorum violations which are subject to fine under such fine schedules. As such, the proposed relocation of the language in footnote 1 merely provides additional clarity in the MRVP fine schedule regarding the issuance of Minor Rule Violation fines for trading conduct and decorum violations.

The Exchange no longer believes violations of the above-listed rules to be minor in nature and therefore proposes to remove them from the list of rules in Rule 13.15(g) eligible for a minor rule fine disposition. Particularly, the Exchange believes that violations of each of the rules listed above may directly impact trading on the Exchange, maintenance of a fair and orderly market, and/or customer protections. For example, the Exchange believes that the requirement to submit trade information on time, to the Price Reporter and consistently on an order's transaction date, as well as the requirement to truthfully and accurately represent information in communications to the Exchange and the Clearing Corporation allows the Exchange (and the Clearing Corporation) to maintain an accurate audit trail and trade information. Likewise, honoring firm quotations is vital in promoting efficient functioning of intermarket price priority and trading in general. Timely and accurate representation of both trade information and quotations protects investors by providing them with accurate information essential to their trading activities and participation in the markets. Upholding due diligence to honor the priority of customer orders and obligations as a principal, as well as the prohibition against the execution of trades at prices inferior to protected quotations (trade-throughs), all provide important customer protections. Pursuant to Rule 13.15(f), the Exchange is not required to impose a fine pursuant to its MRVP with respect to the violation of any rule listed under Rule 13.15. If the Exchange determines that any violation is intentional, egregious, or otherwise not minor in nature, it may proceed under its formal disciplinary rules. As such, the Exchange has increasingly chosen to handle such violations in recent years under the Exchange's formal disciplinary rules, rather than imposing a fine pursuant to its MRVP.

The proposed rule change next amends the fine schedule applicable to Maker-Makers for failure to meet Exchange quoting obligations. Specifically, Rule 13.15(g)(14) ((g)(9), as amended) [11] provides that a fine shall be imposed upon a Market-Maker, Designated Primary Market-Maker or Lead Market Maker (as applicable) in accordance with the fine schedule set forth below for the following conduct: [12]

- Failure to meet the continuous quoting obligation (Rule 5.52, 5.55, and 5.54);
- Failure to meet the initial quote volume requirements (Rule 5.52); and
- Failure of a Lead Market-Maker or Designated Primary Market-Maker to enter opening quotes within one minute following the initiation of an opening rotation (*e.g.,* 9:31 a.m.) in a series in its appointed or allocated class, respectively, that is not open due to the lack of a quote (see Rule 5.31(e)(2) or (j)(5)(B), as applicable) (Rules 5.55 and 5.54), respectively.

For the first offense during any rolling 24-month period, the fine schedule imposed by Rule 13.15(g)(14) currently permits the Exchange to apply a fine ranging between $2,000 and $4,000. For subsequent offenses during the same period, the fine schedule currently permits the Exchange to apply a fine ranging between $4,000 and $5,000. The proposed rule change updates the fine schedule to provide that, during any rolling 24-month period, the Exchange may give a Letter of Caution for a first offense, may apply a fine of $1,500 for a second offense, may apply a fine of $3,000 for a third offense,[13] and may proceed with formal disciplinary action for subsequent offenses. As described above, and as is the case for all rule violations covered under Rule 13.15(g), the Exchange may determine that a violation of Market-Maker quoting obligations is intentional, egregious, or otherwise not minor in nature and choose to proceed under the Exchange's formal disciplinary rules rather than its MRVP.[14] The Exchange may continue to aggregate individual violations of

[8] *See* Rule 6.1(b), which requires parties to a trade to immediately record on a card or ticket, or enter in an electronic data storage medium acceptable to the Exchange, (1) the assigned broker initial code and clearing firm (if a Market-Maker); (2) the symbol of the underlying security or index; (3) the type, expiration month, and exercise price of the option contract; (4) the transaction price; (5) the number of contract units comprising the transaction; (6) the time of the transaction obtained from a source designated by the Exchange; (7) the name of the contra Clearing Trading Permit Holder; and (8) the assigned broker initial code of the contra Trading Permit Holder.

[9] *See* Rule 8.14, which provides that no Trading Permit Holder, person associated with a Trading Permit Holder or applicant to be a Trading Permit Holder shall make any misrepresentation or omission in any application, report or other communication to the Exchange, or to the Clearing Corporation with respect to the reporting or clearance of any Exchange transaction, or adjust any position at the Clearing Corporation in any class of options traded on the Exchange except for the purpose of correcting a bona fide error in recording or of transferring the position to another account.

[10] *See* Rule 5.66(a), which provides that, except as provided in paragraph (b), Trading Permit Holders shall not effect Trade-Throughs. The Exchange notes that trade-through compliance for electronic executions are systematically enforced.

[11] *See supra* note 3.

[12] The proposed rule change also makes nonsubstantive clarifying updates to Rule 13.15(g)(14), by removing the conduct listed in subparagraph (g)(14)(B) and updating the format in which time is reflected. These nonsubstantive amendments are described in further detail herein this proposal below.

[13] The Exchange notes that Rule 13.15(a) authorizes the Exchange to impose a fine, not to exceed $5,000, for minor rule violations in lieu of commencing a disciplinary proceeding. Additionally, any fine imposed pursuant to Rule 13.15 that (1) does not exceed $2,500 and (2) is not contested, shall be reported by the Exchange to the Commission on a periodic, rather than a current, basis, except as may otherwise be required by Exchange Act Rule 19d–1 and by any other regulatory authority.

[14] *See* Rule 13.15(f).

particular rules and treat such violations as a single offense.[15]

The Exchange believes it is appropriate to remove the range of fines imposed for first and subsequent offenses and, instead, apply a letter of caution for a first offense, a specified fine amount for a second and a third offense, and formal disciplinary proceedings for subsequent offenses. Particularly, the Exchange believes that applying a lesser penalty (Letter of Caution) for a first offense and then providing a higher, itemized fine per second and third offenses and, ultimately, formal disciplinary proceedings for any subsequent offenses during a rolling 24-month period, will allow the Exchange to levy progressively larger fines and greater penalties against repeat-offenders (as opposed to a fine range for any offenses that may come after a first offense). The Exchange believes this fine structure may serve to more effectively deter repeat-offenders while providing reasonable warning for a first offense during a rolling 24-month period. The Exchange notes that a lesser penalty in the form of a warning letter for a first offense paired with a greater penalty in the form of formal disciplinary proceedings after a finite number of following offenses is consistent with the minor rule violation fine schedules applicable to minor rule violations of substantially the same market maker quoting obligations on the Exchange's affiliated options exchanges, EDGX and BZX,[16] as well as substantially similar market maker quoting obligations on another options exchange.[17] The Exchange notes that the proposed change is intended to provide for consistency across the Exchange's MRVP and the MRVPs of its affiliated options exchanges. Additionally, EDGX and BZX also intend to file proposals to update their minor rule violation fines so that second, third, and subsequent offenses for violating market maker quoting obligations will receive the same sanctions,[18] as proposed herein.

The proposed rule change also makes nonsubstantive clarifying changes to certain provisions in Rule 13.15(g). The proposed rule change makes a clean-up revision by removing the conduct listed in subparagraph (g)(14)(B), ''failure to meet the applicable quote width requirements (Rule 5.52),'' because, as of 2019, Market-Makers are no longer subject to a quote width requirement.[19] The proposed rule change amends the subsequent lettering in subparagraph (g)(14) as a result of this revision. The proposed rule change corrects a typo in the fine amounts that inadvertently contain an additional digit in subparagraph (g)(8). The proposed rule change also updates the time format in the example provided in subparagraph (g)(14)(D), which is currently reflected in Central Time, to instead reflect Eastern Time without time zone indication. This proposed change is consistent with Rule 1.6, which states that unless otherwise specified, all times in the Rules are Eastern Time, and conforms the time reflected in (g)(14)(D) to the time format reflected throughout the Rules. The proposed rule change corrects the cross-reference to Rule 5.24(e) in Rule 13.15(g)(19) to, instead, correctly reflect Rule 5.5(d). The Exchange previously restructured its Rulebook in connection with a 2019 technology migration and, prior to this restructuring, the provision in current Rule 13.15(g)(19) referred to what is now Rule 5.5(d) (former Rule 6.23A(f)),[20] instead of what is now Rule 5.24(e) (former Rule 6.18). Upon restructuring Chapter 13,[21] the Exchange inadvertently changed the cross-reference in Rule 13.15(g)(19) to reflect the incorrect rule and now proposes to update this cross-reference to reflect the correct and originally intended cross-reference to Rule 5.5(d). Likewise, the Exchange updates a cross-reference to prior Rule 5.25 to current Rule 5.5 in subparagraph (g)(19).

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[22] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[23] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. The Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[24] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes that the proposed rule change to remove certain rules listed as eligible for a minor rule fine disposition under its MRVP, which it no longer considers violations of which to be minor in nature, will assist the Exchange in preventing fraudulent and manipulative acts and practices and promoting just and equitable principles of trade, and will serve to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, protect investors and the public interest. Particularly, the Exchange believes that violations of each of the rules proposed to be removed from its MRVP may directly impact trading on the Exchange, maintenance of a fair and orderly market, and/or customer protection. As such, the Exchange does not believe violations of these rules to be minor in nature and, instead, should continue to be handled under its formal disciplinary rules, as the Exchange has chosen to handle the majority of all such violations in recent years, rather than imposing fines pursuant to its MRVP.

The Exchange also believes that the proposed rule change to remove the range of fines imposed for first and subsequent Market-Maker quoting offenses and, instead, apply a letter of caution for a first offense, a specified fine amount for a second and a third offense, and formal disciplinary proceedings for subsequent offenses will assist the Exchange in preventing fraudulent and manipulative acts and practices and promoting just and equitable principles of trade, and will serve to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, protect investors and the public interest. Particularly, the Exchange believes that applying a lesser penalty (Letter of Caution) for a first offense and then providing an itemized fine per second

[15] *See* Rule 13.15(a).

[16] *See* BZX Rule 25.3(d); *and* EDGX Rule 25.3(d).

[17] *See e.g.,* MIAX Options Rule 1014(d)(7).

[18] The Exchange again notes that pursuant to the BZX and EDGX MRVPs, first offenses regarding market maker quoting obligations already receive a Letter of Caution and the highest/last range of offenses (currently 5 or more) are already subject to formal disciplinary action. *See supra* note 16.

[19] *See* Securities Exchange Act Release No. 87024 (September 19, 2019), 84 FR 50545 (September 25, 2019) (SR–CBOE–2019–059).

[20] *See* Securities Exchange Act Release No. 87320 (October 16, 2019), 84 FR 56501 (October 22, 2019) (SR–CBOE–2019–095).

[21] *See* Securities Exchange Act Release No. 87210 (October 3, 2019), 84 FR 54190 (October 9, 2019) (SR–CBOE–2019–068).

[22] 15 U.S.C. 78f(b).

[23] 15 U.S.C. 78f(b)(5).

[24] *Id.*

and third offenses and, ultimately, formal disciplinary proceedings for any subsequent offenses during a rolling 24-month period, will allow the Exchange to levy greater penalties (*i.e.,* formal disciplinary proceedings) against repeat-offenders (as opposed to a fine range for any offenses that may come after a first offense) which may serve to more effectively deter repeat-offenders while providing reasonable warning for a first offense during a rolling 24-month period. The Exchange believes that more effectively deterring repeat-offenders and making first instance offenders aware of their quoting obligation violations and the subsequent consequences for continued failure, will, in turn, further motivate Market-Makers to continue to uphold their quoting obligations, providing liquid markets to the benefit of all investors. The Exchange again notes that a lesser penalty in the form of a warning letter for a first offense paired with greater penalties in the form of eventual formal disciplinary proceedings following a finite number of offenses is consistent with the minor rule violation fine schedules applicable to minor rule violations of substantially the same market maker quoting obligations on the Exchange's affiliated options exchanges, EDGX and BZX.[25] As such, the proposed rule change is also designed to benefit investors by providing from consistent penalties across the MRVPs of the Exchange and its affiliated options exchanges. As described above, EDGX and BZX intend to file proposals to update their minor rule violation fines so that second, third, and subsequent offenses for violating market maker quoting obligations will receive the same sanctions,[26] as proposed herein.

Additionally, the proposed clarifications and corrections, as applicable, in connection with footnote 1 of Rule 13.15, Interpretation and Policy .03 to Rule 13.15, and Rules 13.15(g)(8), (14) and (19) will benefit investors by adding clarity to the Rules.

The Exchange further believes that the proposed rule changes to Rule 13.15(g) are consistent with Section 6(b)(6) of the Act,[27] which provides that members and persons associated with members shall be appropriately disciplined for violation of the provisions of the rules of the exchange, by expulsion, suspension, limitation of activities, functions, and operations, fine, censure, being suspended or barred from being associated with a member, or any other fitting sanction. As noted, the proposed rule change removes certain Rules listed as eligible for a minor rule fine disposition under the Exchange's MRVP that the Exchange no longer believes violations of which are minor in nature and are more appropriately disciplined through the Exchange's formal disciplinary procedures, and amends the fine schedule applicable to Market-Maker failures to meet their quoting obligations in a manner that appropriately sanctions such failures.

The Exchange also believes that the proposed change is designed to provide a fair procedure for the disciplining of members and persons associated with members, consistent with Sections 6(b)(7) and 6(d) of the Act.[28] Rule 13.15, currently and as amended, does not preclude a TPH or person associated with or employed by a TPH from contesting an alleged violation and receiving a hearing on the matter with the same procedural rights through a litigated disciplinary proceeding.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change is not intended to address competitive issues but rather is concerned solely with amending its MRVP in connection with rules eligible for a minor rule fine disposition and with the fine schedule for Market-Maker failures to meet quoting obligations. The Exchange believes the proposed rule changes, overall, will strengthen the Exchange's ability to carry out its oversight and enforcement functions and deter potential violative conduct.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–CBOE–2021–045 on the subject line.

Paper Comments

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

All submissions should refer to File Number SR–CBOE–2021–045. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CBOE–2021–045 and should be submitted on or before September 14, 2021.

IV. Commission's Findings and Order Granting Accelerated Approval of Proposed Rule Change

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.[29] In particular, the

[25] *See supra* note 16.

[26] *See supra* note 18.

[27] 15 U.S.C. 78f(b)(6).

[28] 15 U.S.C. 78f(b)(7) and 78f(d).

[29] In approving this proposed rule change, the Commission has considered the proposed rule's

Continued

Commission finds that the proposed rule change is consistent with Section 6(b)(5) of the Act,[30] which requires that the rules of an exchange be designed to promote just and equitable principles of trade, to remove impediments and to perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. The Commission also believes that the proposal is consistent with Sections 6(b)(1) and 6(b)(6) of the Act [31] which require that the rules of an exchange enforce compliance with, and provide appropriate discipline for, violations of Commission and Exchange rules. Finally, the Commission finds that the proposal is consistent with the public interest, the protection of investors, or otherwise in furtherance of the purposes of the Act, as required by Rule 19d–1(c)(2) under the Act,[32] which governs minor rule violation plans.

As stated above, the Exchange proposes to amend Rule 13.15(g) by: (1) Eliminating certain rule violations that the Exchange no longer believes to be minor in nature; (2) updating the fine schedule applicable to minor rule violations related to a Market-Maker's failure to meet Exchange quoting obligations; and (3) making other non-substantive changes.

The Commission believes that Rule 13.15 is an effective way to discipline a member for a minor violation of a rule. The Commission finds that the Exchange's proposal to eliminate rules that the Exchange no longer believes to be minor in nature from the MRVP and amending the fee schedule related to a Market-Maker's failure to meet the Exchange's quoting obligations is consistent with the Act because it may help the Exchange's ability to better carry out its oversight and enforcement responsibilities. Lastly, the Commission also believes that the Exchange's proposal to make non-substantive changes are consistent with the Act because they add clarity to the Exchange's rules.

In approving the propose rule change, the Commission in no way minimizes the importance of compliance with the Exchange's rules and all other rules subject to fines under Rule 13.15. The Commission believes that a violation of any self-regulatory organization's rules, as well as Commission rules, is a serious matter. However, Rule 13.15 provides a reasonable means of addressing rule violations that may not rise to the level of requiring formal disciplinary proceedings, while providing greater flexibility in handling certain violations. The Commission expects that the Exchange will continue to conduct surveillance with due diligence and make a determination based on its findings, on a case-by-case basis, whether a fine of more or less than the recommended amount is appropriate for a violation under Rule 13.15 or whether a violation requires formal disciplinary action.

For the same reasons discussed above, the Commission finds good cause, pursuant to Section 19(b)(2) of the Act,[33] for approving the proposed rule change prior to the thirtieth day after the date of publication of the notice of the filing thereof in the **Federal Register**. The proposal will assist the Exchange in preventing fraudulent and manipulative practices by allowing the Exchange to adequately enforce compliance with, and provide appropriate discipline for, violations of Exchange rules. Accordingly, the Commission believes that a full notice-and-comment period is not necessary before approving the proposal.

V. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act [34] and Rule 19d–1(c)(2) thereunder,[35] that the proposed rule change (SR–CBOE–2021–045) be, and hereby is, approved on an accelerated basis.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[36]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2021–18123 Filed 8–23–21; 8:45 am]

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impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[30] 15 U.S.C. 78f(b)(5).

[31] 15 U.S.C. 78f(b)(1) and 78f(b)(6).

[32] 17 CFR 240.19d–1(c)(2).

[33] 15 U.S.C. 78s(b)(2).

[34] 15 U.S.C. 78s(b)(2).

[35] 17 CFR 240.19d–1(c)(2).

[36] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–92696; File No. SR–NYSEArca–2021–47]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Designation of a Longer Period for Commission Action on a Proposed Rule Change for New Rules 6.1P–O, 6.37AP–O, 6.40P–O, 6.41P–O, 6.62P–O, 6.64P–O, 6.76P–O, and 6.76AP–O and Amendments to Rules 1.1, 6.1–O, 6.1A–O, 6.37–O, 6.65A–O and 6.96–O

August 18, 2021.

On June 21, 2021, NYSE Arca, Inc. (''NYSE Arca'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change for new NYSE Arca Rules 6.1P–O, 6.37AP–O, 6.40P–O, 6.41P–O, 6.62P–O, 6.64P–O, 6.76P–O, and 6.76AP–O and amendments to NYSE Arca Rules 1.1, 6.1–O, 6.1A–O, 6.37–O, 6.65A–O and 6.96–O. The proposed rule change was published for comment in the **Federal Register** on July 9, 2021.[3] The Commission has received no comment letters on the proposed rule change.

Section 19(b)(2) of the Act [4] provides that within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding, or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The 45th day after publication of the notice for this proposed rule change is August 23, 2021. The Commission is extending this 45-day time period.

The Commission finds it appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider the proposed rule change. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,[5] designates October 7, 2021 as the date by which the Commission shall either approve or disapprove, or institute

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 92304 (June 30, 2021), 86 FR 36440 (July 9, 2021).

[4] 15 U.S.C. 78s(b)(2).

[5] *Id.*

proceedings to determine whether to disapprove, the proposed rule change (File No. SR–NYSEArca–2021–47).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[6]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2021–18121 Filed 8–23–21; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–095, OMB Control No. 3235–0084]

Submission for OMB Review; 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 17Ac2–1

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'') has submitted to the Office of Management and Budget (''OMB'') a request for approval of extension of the previously approved collection of information provided for in Rule 17Ac2–1 (17 CFR 240.17Ac2–1), under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*).

Rule 17Ac2–1, pursuant to Section 17A(c) of the Exchange Act, generally requires transfer agents for whom the Commission is the transfer agent's Appropriate Regulatory Agency (''ARA''), to file an application for registration with the Commission on Form TA–1 and to amend their registrations under certain circumstances.

Specifically, Rule 17Ac2–1 requires transfer agents to file a Form TA–1 application for registration with the Commission where the Commission is their ARA. Such transfer agents must also amend their Form TA–1 if the existing information on their Form TA–1 becomes inaccurate, misleading, or incomplete within 60 days following the date the information became inaccurate, misleading or incomplete. Registration filings on Form TA–1 and amendments thereto must be filed with the Commission electronically, absent an exemption, on EDGAR pursuant to Regulation S–T (17 CFR 232).

[6] 17 CFR 200.30–3(a)(31).

The Commission annually receives approximately 199 filings on Form TA–1 from transfer agents required to register as such with the Commission. Included in this figure are approximately 167 amendments made annually by transfer agents to their Form TA–1 as required by Rule 17Ac2–1(c) to address information that has become inaccurate, misleading, or incomplete and approximately 32 new applications by transfer agents for registration on Form TA–1 as required by Rule 17Ac2–1(a). Based on past submissions, the staff estimates that on average approximately twelve hours are required for initial completion of Form TA–1 and that on average one and one-half hours are required for an amendment to Form TA–1 by each such firm. Thus, the subtotal burden for new applications for registration filed on Form TA–1 each year is approximately 384 hours (12 hours times 32 filers = 384) and the subtotal burden for amendments to Form TA–1 filed each year is approximately 251 hours (1.5 hours times 167 filers = 250.5 rounded up to 251). The cumulative total is approximately 635 burden hours per year (384 hours plus 251 hours).

Of the approximately 635 hours per year associated with Rule 17Ac2–1, the Commission staff estimates that (i) sixty percent (380.7 hours) are spent by compliance staff at an estimated hourly wage of $283, for a total of $107,738.10 per year (380.7 hours × $283 per hour = $107, 738.10 per year; (ii) forty percent (253.8 hours) are spent by attorneys at an estimated hourly wage of $380, for a total of $96,444 per year (253.8 hours × $380 per hour = $96,444 per year); and (iii) the total internal cost of compliance associated with the Rule is thus approximately $204,182.10 per year ($107,738.10 in compliance staff costs + $96,444 in attorney costs = $204,182.10 per year).

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.

The public may view background documentation for this information collection at the following website: *www.reginfo.gov.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to (i) *www.reginfo.gov/public/do/PRAMain* and (ii) David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o Cynthia Roscoe, 100 F Street NE, Washington, DC 20549, or by sending an email to: *PRA_Mailbox@sec.gov.*

Dated: August 18, 2021.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2021–18109 Filed 8–23–21; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–92700; File No. SR–NYSE–2020–96]

Self-Regulatory Organizations; New York Stock Exchange LLC; Order Disapproving a Proposed Rule Change To Amend Its Rules Establishing Maximum Fee Rates To Be Charged by Member Organizations for Forwarding Proxy and Other Materials to Beneficial Owners

August 18, 2021.

I. Introduction

On December 2, 2020, New York Stock Exchange LLC (''NYSE'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to delete the maximum fee rates for forwarding proxy and other materials to beneficial owners set forth in NYSE Rules 451 and 465 and Section 402.10 of the NYSE Listed Company Manual (''Manual''), and establish in their place a requirement for member organizations to comply with any schedule of approved charges set forth in the rules of any other national securities exchange or association of which such member organization is a member. The proposed rule change was published for comment in the **Federal Register** on December 21, 2020.[3]

On February 1, 2021, pursuant to Section 19(b)(2) of the Act,[4] the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to approve or

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 90677 (December 15, 2020), 85 FR 83119 (December 21, 2020) (''Notice''). Comments received on the proposal are available on the Commission's website at: *https://www.sec.gov/comments/sr-nyse-2020-96/srnyse202096.htm.*

[4] 15 U.S.C. 78s(b)(2).

disapprove the proposed rule change.[5] On March 18, 2021, the Commission instituted proceedings under Section 19(b)(2)(B) of the Act[6] to determine whether to approve or disapprove the proposed rule change.[7] On June 11, 2021, the Commission designated a longer period for Commission action on the proposed rule change.[8]

This order disapproves the proposed rule change because, as discussed below, the Exchange has not met its burden under the Act and the Commission's Rules of Practice to demonstrate that its proposal is consistent with the requirements of Section 6(b)(5) of the Act and, in particular, the requirements that the rules of a national securities exchange be designed to promote just and equitable principles of trade and to protect investors and the public interest, and not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.[9]

II. Description of the Proposal

NYSE Rules 451 and 465, and the related provisions in Section 402.10 of the Manual, require NYSE member organizations that hold securities for beneficial owners in street name to solicit proxies from, and deliver proxy and other materials to, beneficial owners on behalf of issuers.[10] For this service, issuers reimburse NYSE member organizations for out-of-pocket, reasonable clerical, postage, and other expenses incurred for a particular distribution.[11] This reimbursement structure stems from Rules 14b–1 and 14b–2 under the Act,[12] which impose obligations on issuers and nominees to ensure that beneficial owners receive proxy materials. These rules require issuers to send their proxy materials to broker-dealers or banks that hold securities in street name, for forwarding to beneficial owners, and to pay nominees for reasonable expenses, both direct and indirect, incurred in providing proxy information to beneficial owners.[13] The Commission's rules do not specify the fees that nominees can charge issuers for proxy distribution; rather, they state that issuers must reimburse the nominees for ''reasonable expenses'' incurred.[14]

Currently, the Supplementary Material to NYSE Rule 451, which is cross-referenced by the Supplementary Material to NYSE Rule 465 and Section 402.10 of the Manual, establishes the maximum rates at which a NYSE member organization may be reimbursed for certain expenses incurred in connection with distributing proxy and other materials to beneficial owners. FINRA Rule 2251 also sets forth a schedule of maximum rates that is substantively identical to the rate schedule specified in NYSE Rule 451.[15] As a result, any broker that is a FINRA member but not also a NYSE member is subject to the same maximum reimbursement rates as NYSE members. The rules of other self-regulatory organizations (''SROs'') generally provide that member organizations must forward proxy and other materials if they receive ''reasonable'' reimbursement, but they do not specify any schedule of maximum permitted charges.[16]

The Exchange has proposed to amend Supplementary Materials .90–.96 to NYSE Rule 451 by deleting the provisions setting maximum reimbursement rates and replacing them with rule text stating that member organizations must comply with any schedule of approved charges set forth in the rules of any other national securities exchange or association of which such member organization is a member.[17] The Exchange also has proposed to delete the cross-reference to NYSE Rule 451.90–.96 in Supplementary Material .20 to NYSE Rule 465 and replace it with rule text that is identical to the proposed new language in Supplementary Material .90 to NYSE Rule 451.[18] The Exchange stated that the proposed rule change is not intended to take a position on the appropriateness of the fee schedules for proxy and other distributions currently set forth in NYSE Rules 451 and 465 or in the rules of any other SRO.[19]

According to the Exchange, since all NYSE member organizations that are subject to the fee schedule set forth in NYSE Rule 451 (and cross-referenced by NYSE Rule 465) are also FINRA member firms, the proposal would effectively require member organizations to comply with the fee schedule set forth in FINRA Rule 2251.[20] The Exchange acknowledged that it has historically taken the lead in establishing the maximum proxy distribution reimbursement rates, but stated that it does not believe the Exchange is best positioned to retain this responsibility going forward.[21] The Exchange stated that all of the brokers who hold shares on behalf of customers in street name are FINRA members, while only a subset of them are members of the Exchange.[22] The Exchange also stated that a large and increasing number of the affected issuers are listed on Nasdaq, CBOE, or other non-NYSE Group exchanges or are traded solely over the counter.[23] The Exchange further stated that the development of the mutual fund industry has led to the existence of a large number of issuers that are not listed on any exchange.[24]

III. Discussion and Commission Findings

Under Section 19(b)(2)(C) of the Act,[25] the Commission shall approve a proposed rule change of an SRO if it finds that such proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder that are applicable to such organization.[26] The Commission shall disapprove a proposed rule change if it

[5] *See* Securities Exchange Act Release No. 91025 (February 1, 2021), 86 FR 8420 (February 5, 2021).

[6] 15 U.S.C. 78s(b)(2)(B).

[7] *See* Securities Exchange Act Release No. 91359 (March 18, 2021), 86 FR 15734 (March 24, 2021) (''Order Instituting Proceedings'').

[8] *See* Securities Exchange Act Release No. 92154 (June 11, 2021), 86 FR 32301 (June 17, 2021).

[9] 15 U.S.C. 78f(b)(5).

[10] *See* NYSE Rules 451 and 465, and Section 402.10 of the Manual; Notice, *supra* note 3, 85 FR at 83119. The ownership of shares in street name means that a shareholder, or ''beneficial owner,'' has purchased shares through a broker-dealer or bank, also known as a ''nominee.'' In contrast to direct ownership, where shares are directly registered in the name of the shareholder, shares held in street name are registered in the name of the nominee, or in the nominee name of a depository, such as the Depository Trust Company. *See* Securities Exchange Act Release No. 70720 (October 18, 2013), 78 FR 63530, 63531 n.14 (October 24, 2013) (order approving SR–NYSE–2013–07) (''2013 Approval Order'').

[11] *See* NYSE Rules 451 and 465, and Section 402.10 of the Manual; 2013 Approval Order, *supra* note 10, 78 FR at 63531.

[12] 17 CFR 240.14b–1; 17 CFR 240.14b–2.

[13] *See* 17 CFR 240.14b–1 and 14b–2; *see also* 2013 Approval Order, *supra* note 10, 78 FR at 63531.

[14] *See* 17 CFR 240.14b–1 and 14b–2; *see also* 2013 Approval Order, *supra* note 10, 78 FR at 63531.

[15] *See* Notice, *supra* note 3, 85 FR at 83119. The Exchange stated that FINRA Rule 2251 differs from NYSE Rule 451 in one respect. Specifically, FINRA has not adopted the Notice and Access fees for investment company shareholder report distributions set forth in Section 5 (Notice and Access Fees) of Supplementary Material .90 to NYSE Rule 451 as part of FINRA Rule 2251. *See id.,* 85 FR at 83119 n.8.

[16] *See id.,* 85 FR at 83119. *But see* NYSE American LLC Rule 576.80 (setting forth a schedule of approved charges by member organizations in connection with proxy solicitations).

[17] *See* proposed Supplementary Material .90 to NYSE Rule 451. The Exchange also proposes to delete Section 402.10 of the Manual, which replicates the fee schedule set forth in Supplementary Materials .90–.96 to NYSE Rule 451.

[18] *See* proposed Supplementary Material .20 to NYSE Rule 465.

[19] *See* Notice, *supra* note 3, 85 FR at 83120. As noted above, FINRA and NYSE American LLC presently are the only SROs besides NYSE with rules that set forth a fee schedule.

[20] *See id.*

[21] *See id.,* 85 FR at 83119.

[22] *See id.,* 85 FR at 83120.

[23] *See id.*

[24] *See id.,* 85 FR at 83119–20.

[25] *See* 15 U.S.C. 78s(b)(2)(C).

[26] *See* 15 U.S.C. 78s(b)(2)(C)(i).

does not make such a finding.[27] The Commission's Rules of Practice, under Rule 700(b)(3), state that the ''burden to demonstrate that a proposed rule change is consistent with the [Exchange] Act and the rules and regulations issued thereunder . . . is on the self-regulatory organization that proposed the rule change'' and that a ''mere assertion that the proposed rule change is consistent with those requirements . . . is not sufficient.'' [28]

The description of a proposed rule change, its purpose and operation, its effect, and a legal analysis of its consistency with applicable requirements must all be sufficiently detailed and specific to support an affirmative Commission finding,[29] and any failure of an SRO to provide this information may result in the Commission not having a sufficient basis to make an affirmative finding that a proposed rule change is consistent with the Act and the applicable rules and regulations.[30] Moreover, ''unquestioning reliance'' on an SRO's representations in a proposed rule change is not sufficient to justify Commission approval of a proposed rule change.[31]

For the reasons discussed below, the Commission is disapproving the proposed rule change because the information before the Commission is insufficient to support a finding that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange. Specifically, the Commission concludes that it does not have sufficient information to determine that the proposed rule change is consistent with Section 6(b)(5) of the Act and, in particular, the requirements that a national securities exchange's rules be designed to promote just and equitable principles of trade and to protect investors and the public interest, and not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

As an SRO, the Exchange bears the burden to demonstrate that any proposed rule change—whether a proposed new rule, or a proposed elimination of an existing rule—is consistent with the Act.[32] As discussed above, the Exchange has proposed to delete its long-standing and currently (and widely) relied-upon provisions setting maximum reimbursement rates, and instead provide that a NYSE member organization must comply with any schedule of approved charges set forth in the rules of any other national securities exchange or association of which such organization is a member. This effectively would make the maximum reimbursement rates set forth in FINRA rules the industry standard, and establish FINRA as the lead SRO in this area.[33] Accordingly, the Exchange bears the burden to demonstrate that approval of its proposal—which would result in a FINRA-led regime—would be consistent with the Act.

In the Notice, the Exchange expressed the view that FINRA is in a better position to take the lead in setting maximum reimbursement rates for the distribution of proxy and other issuer materials to beneficial owners because (1) all broker-dealers that hold shares in street name for customers are FINRA members, while only a subset of them are NYSE members, and (2) a large number of affected issuers are not listed on the Exchange.[34] In the Order Instituting Proceedings, the Commission stated that, because NYSE is a primary listing market, it has relationships with issuers as well as broker-dealers, and thus is well-positioned to take into account the views of both major stakeholder groups when reviewing and updating the maximum reimbursement rates.[35] The Commission stated that, unlike NYSE, FINRA does not have a relationship with issuers, who ultimately pay the reimbursement rates.[36] Further, the Commission stated that the Exchange had not explained why, in the absence of a relationship with this important constituency, FINRA is in a better position than NYSE to assume the leadership role in this area.[37] The Commission also stated that the Exchange had not explained why the fact that all broker-dealers are FINRA members puts FINRA in a materially better position to assume the leadership role in this area, or the significance of the fact that only a subset of impacted issuers are listed on NYSE, and only a subset of impacted broker-dealers are NYSE members, given that NYSE would appear well-positioned to consider the views of both of these constituencies, whereas FINRA would not appear well-positioned to consider issuers' views.[38]

In response to the Order Instituting Proceedings, the Exchange argued that being a listing exchange does not give it a meaningful advantage in the reimbursement rate-setting process because whether such rates are ''reasonable'' is necessarily based on the actual costs incurred by brokers, of which issuers have no first-hand knowledge.[39] In addition, the Exchange argued that FINRA is uniquely well-positioned to set reimbursement rates because, as the common regulator for all brokers whose business includes servicing street-name account holders, FINRA can review the actual costs incurred by brokers across the entire industry and their intermediaries.[40] The Exchange stated, in this regard, that only a subset of brokers that hold shares on behalf of customers in street name are NYSE members, and the NYSE members who engage in retail brokerage services primarily consist of larger, more established brokers, whereas FINRA's membership is more diverse, including smaller regional brokers and digital-only brokers that concentrate on serving retail customers.[41]

A broker bears an obligation to forward proxies and other issuer materials to beneficial owners with street name holdings, but that obligation is conditioned upon the broker receiving assurance from the issuer of reimbursement of the broker's reasonable expenses incurred in connection with performing that obligation.[42] Under this framework, brokers and issuers are both inextricably involved in ensuring that beneficial owners with street name holdings receive proxies and other issuer materials.

The Exchange's arguments do not provide a sufficient basis for the Commission to find that the proposed rule change would be consistent with Section 6(b)(5) of the Act because the Exchange has not demonstrated how issuers' interests would continue to be adequately considered, and not unfairly discriminated against, in the reimbursement rate-setting process if the Exchange were to relinquish its lead

[27] *See* 15 U.S.C. 78s(b)(2)(C)(ii); *see also* 17 CFR 201.700(b)(3).

[28] *See* 17 CFR 201.700(b)(3).

[29] *See id.*

[30] *See id.*

[31] *Susquehanna Int'l Group, LLP* v. *Securities and Exchange Commission,* 866 F.3d 442, 447 (D.C. Cir. 2017).

[32] *See* Rule 700(b)(3), Commission Rules of Practice, 17 CFR 201.700(b)(3).

[33] *See supra* note 20 and accompanying text.

[34] *See* Notice, *supra* note 3, 85 FR at 83119–20.

[35] *See* Order Instituting Proceedings, *supra* note 7, 86 FR at 15737.

[36] *See id.*

[37] *See id.*

[38] *See id.*

[39] *See* letter from John Carey, Senior Director, NYSE, dated April 28, 2021 (''NYSE Response Letter''), at 2.

[40] *See id.* In this context, the Commission understands the Exchange's reference to ''intermediaries'' to be a reference to proxy service providers that coordinate the distribution of proxy or other materials for multiple nominees. *See* Section 1(a)(ii) of Supplementary Material .90 to Rule 451 (defining the term ''intermediary'').

[41] *See* NYSE Response Letter at 2.

[42] *See* 17 CFR 240.14b–1.

role in this area. The Commission is not foreclosing the possibility that issuers' interests could be adequately considered in a reimbursement rate-setting process that the Exchange does not lead; however, in the Notice and in its response to the Order Instituting Proceedings, the Exchange did not provide sufficient information in the record on this point. In particular, while the Exchange acknowledges that the impact of eliminating the reimbursement rate schedule from its rules would be that FINRA becomes the de facto lead SRO for rate setting,[43] the Exchange does not articulate or provide any information to suggest how FINRA, notwithstanding its lack of regulatory relationships with issuers, could potentially consider issuers' interests if FINRA were to become the industry standard-bearer.[44] Nor does the Exchange identify any other existing mechanism through which the interests of issuers could be adequately considered if proposed updates to the rates were to be developed under a FINRA-led regime.

In contrast, for the many years that the Exchange has been the lead SRO in this area, it has demonstrated the ability, as a primary listing market that has relationships with both brokers and issuers, to consider the interests of both of these important constituencies when it periodically develops proposals to update the reimbursement rate schedule pursuant to Section 19(b)(2) of the Act. In so doing, the Exchange performs an important SRO function of generating proposals that provide a basis for the Commission to find that the proposed updated rates constitute an equitable allocation of reasonable fees.[45] As an outgrowth of this process and as approved by the Commission, the NYSE rate schedule sets the maximum level of ''reasonable'' reimbursement that is accepted as the industry standard for what may be sought by any broker and must be paid by any issuer. In turn, as a consensus product representing broker and issuer interests, the NYSE rate schedule helps ensure that beneficial owners receive proxy and other issuer materials in a timely manner and as required by the Commission's rules.

The Exchange's statements regarding FINRA's ability to consider brokers' costs do not evince a similar ability on FINRA's part to consider both broker and issuer interests in performing this SRO function. Moreover, while the Exchange asserts that its listing relationships with issuers do not provide it with a meaningful advantage in the reimbursement rate-setting process, the consideration of issuers' interests has been a fundamental part of the Exchange's process for determining what reimbursement rates would be ''reasonable.'' Throughout the history of the NYSE reimbursement rates, which were formally established by rule in 1952 and have been updated periodically since then,[46] both issuers and brokers have been involved in the process of reaching a workable consensus as to what constitutes ''reasonable'' reimbursement.[47] The Exchange's own, most recent history on this point is illustrative. In 2010, the Exchange formed a Proxy Fee Advisory Committee, comprised of representatives of issuers, broker-dealers, and shareholders, to make recommendations for changes to the Exchange's then-existing reimbursement schedule;[48] and in 2013, when the last major revisions to the reimbursement schedule were proposed, the Exchange acknowledged that it has ''long operated under the assumption that these fees should represent a consensus view of the issuers and the broker-dealers involved.''[49] The Exchange's historical approach underscores that the ability to duly consider both brokers' and issuers' interests—an ability that, based on the record here, FINRA does not possess—is critical to an equitable and fair process for determining what rates would constitute reasonable reimbursement, and helps assure that the rates are set in a manner that, consistent with Section 6(b)(5), promotes just and equitable principles of trade, protects investors and the public interest, and does not permit unfair discrimination between customers, issuers, brokers, or dealers.

In addition, the Exchange argued that its proposal would simply conform its rules to substantively identical rules of other exchanges, such as Cboe BZX Exchange and the Investors Exchange, that do not specify a schedule of maximum permitted reimbursement rates.[50] The mere fact that other exchanges' rules do not specify a reimbursement rate schedule does not demonstrate that the Exchange's proposal is consistent with the Act and must be approved, or that the circumstances that make those other exchanges' rules consistent with the Act apply equally to the Exchange.[51] Indeed, the circumstances underpinning this proposal are unique because, as noted above, the NYSE rate schedule is the product of a NYSE-led process that considers broker and issuer interests

[43] *See* Notice, *supra* note 3, 85 FR at 83120.

[44] FINRA, along with several other commenters, opposed the proposal because FINRA, unlike the Exchange, has no regulatory relationship with issuers. *See* letters from: Marcia E. Asquith, Executive Vice President, FINRA, dated January 11, 2021 (''First FINRA Letter''), at 5, and dated April 14, 2021 (''Second FINRA Letter''), at 3; Niels Holch, Executive Director, Shareholder Communications Coalition, dated January 20, 2021 (''SCC Letter''), at 5; Todd J. May, President, Securities Transfer Association, Inc., dated March 1, 2021 (''First STA Letter''), at 2, and dated April 14, 2021 (''Second STA Letter''), at 5; Paul Conn, President, Global Capital Markets, Computershare, dated January 11, 2021 (''First Computershare Letter''), at 3–4, and dated April 14, 2021 (''Second Computershare Letter''), at 1. FINRA also stated that it is not in a better position than NYSE to become the lead SRO in this area, and that, should the Commission determine to approve the Exchange's proposal, FINRA would be strongly inclined to rescind its fee schedule as well. *See* First FINRA Letter at 5–6; Second FINRA Letter at 3. The Commission notes that any FINRA proposal to rescind its fee schedule would be subject to the rule filing process and Commission approval.

Commenters were divided on the desirability of retaining a fixed maximum rate schedule. *See* letters from: Thomas F. Price, Managing Director, Operations, Technology, Cyber & BCP, Securities Industry and Financial Markets Association, dated April 14, 2021, at 5 (recommending that the Commission ensure that at least one significant SRO retains a fixed maximum fee schedule); Sarah A. Bessin, Associate General Counsel, Securities Regulation, and Joanne Kane, Senior Director, Operations and Transfer Agency, Investment Company Institute, dated May 13, 2021 (''Second ICI Letter''), at 4 (stating that retaining a fixed SRO rate schedule would be an inappropriate means of broader reform). *See also infra* note 52.

[45] *See* 15 U.S.C. 78f(b)(4).

[46] *See* Concept Release on the U.S. Proxy Systems, Securities Exchange Act Release No. 62495 (July 14, 2010), 75 FR 42981, 42995 (July 22, 2010) (''Proxy Plumbing Release'').

[47] *See* 2013 Approval Order, *supra* note 10, 78 FR at 63538 n.164.

[48] *See* Securities Exchange Release No. 68936 (February 15, 2013), 78 FR 12381, 12382 (February 22, 2013) (SR–NYSE–2013–07).

[49] *See id.* In fact, issuers may provide perspective not just based on their experience paying the NYSE reimbursement rates, but also based on their experience paying to distribute materials to registered owners who do not hold their shares in street name, which distributions do not involve brokers and are not subject to the NYSE rates. *See* Proxy Plumbing Release, *supra* note 46, 75 FR at 42986. Issuers typically contract directly with third-party service providers for distributions to registered owner accounts, just as brokers typically contract with third-party service providers for distributions to street name accounts. *See id.* While these different types of distributions might involve different costs and processes, issuers have insight into what it costs to pay a service provider to distribute proxies or other issuer materials that is relevant to the reimbursement rate-setting process. *See, e.g.,* letter from Dorothy M. Donohue, Deputy General Counsel, Securities Regulation, and Joanne Kane, Senior Director, Operations and Transfer Agency, Investment Company Institute, dated January 8, 2021 (''First ICI Letter''), at 2 and Second ICI Letter at 2–3 (comparing the costs that funds pay when they distribute materials through intermediaries to what they pay when they distribute materials directly to shareholders).

[50] *See* NYSE Response Letter at 2.

[51] We note that, as set forth in Commission Rule of Practice 700(b)(3) (17 CFR 201.700(b)(3)), a ''mere assertion . . . that another self-regulatory organization has a similar rule in place'' is ''not sufficient'' to ''explain why the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a self-regulatory organization.''

and is the industry standard that all brokers with street name accounts and issuers rely upon. Approval of NYSE's proposed elimination of its rate schedule therefore would do more than simply conform NYSE's rules to those of other exchanges; it would result in NYSE's relinquishment of an important market-wide regulatory function that it currently performs, and without there being evidence in the record of this filing of an available and equally viable alternative for that function.

When assessing this proposed rule change, the Commission must consider its consistency with the Act and the applicable rules and regulations issued thereunder.[52] As stated above, under the Commission's Rules of Practice, the ''burden to demonstrate that a proposed rule change is consistent with the [Exchange] Act and the rules and regulations issued thereunder . . . is on the self-regulatory organization that proposed the rule change.'' [53] For the foregoing reasons, the Exchange has not met its burden to demonstrate that it would be consistent with the Act for the Exchange to relinquish its current role in setting the maximum reimbursement rates that establish the industry standard. In particular, the Exchange has not adequately demonstrated that, in its absence from that role, issuer interests would continue to be considered and not unfairly discriminated against. As a result, the Commission does not have sufficient information to find that the Exchange's proposal would promote just and equitable principles of trade and protect investors and the public interest, and not permit unfair discrimination between customers, issuers, brokers, or dealers. Accordingly, the Commission must disapprove the proposal because the Exchange has not met its burden to demonstrate that the proposal is consistent with Section 6(b)(5) of the Act.[54]

IV. Conclusion

For the reasons set forth above, the Commission does not find, pursuant to Section 19(b)(2) of the Act, that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and in particular, with Section 6(b)(5) of the Act.[55]

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[56] that the proposed rule change (SR–NYSE–2020–96) is disapproved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[57]

Jill M. Peterson,

Assistant Secretary.

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[52] The Commission notes that almost all commenters urged comprehensive, Commission-led reform to the current reimbursement structure. *See* First FINRA Letter, Second FINRA Letter, First STA Letter, Second STA Letter, First Computershare Letter, Second Computershare Letter, SCC Letter, First ICI Letter, Second ICI Letter. *See also* letters from: Timothy W. McHale, Senior Vice President & Senior Counsel, Capital Research and Management Company, and Anthony M. Seiffert, Chief Compliance Officer, American Funds Service Company, dated January 11, 2021; Catherine L. Newell, General Counsel and Executive Vice President, Dimensional Fund Advisors LP, dated January 11, 2021; Peter J. Germain, Chief Legal Officer, Federated Hermes, Inc., dated January 11, 2021; Basil K. Fox, Jr., President, Franklin Templeton Investor Services, LLC, dated January 11, 2021; Heidi Hardin, Executive Vice President and General Counsel, MFS Investment Management, dated January 11, 2021; Thomas E. Faust Jr., Chairman and Chief Executive Officer, Eaton Vance Corp., dated January 14, 2021; Noah Hamman, Chief Executive Officer, AdvisorShares Investments, LLC, dated January 14, 2021; Timothy W. McHale, Senior Vice President & Senior Counsel, Capital Research and Management Company, and Anthony M. Seiffert, Chief Compliance Officer, American Funds Service Company, dated May 18, 2021; and Heidi Hardin, Executive Vice President and General Counsel, MFS Investment Management, dated May 19, 2021. The Commission must consider the proposed rule change that was filed, and thus such reform is beyond the scope of this proposed rule change. As noted above, the Exchange stated that the proposed rule change is not intended to take a position on the appropriateness of the fee schedules for proxy and other distributions currently set forth in NYSE Rules 451 and 465 or in the rules of any other SRO. *See supra* note 19 and accompanying text.

[53] Rule 700(b)(3), Commission Rules of Practice, 17 CFR 201.700(b)(3).

[54] In disapproving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[55] 15 U.S.C. 78f(b)(5).

[56] 15 U.S.C. 78s(b)(2).

[57] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–92698; File No. SR–GEMX–2021–08]

Self-Regulatory Organizations; Nasdaq GEMX, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change to Amend GEMX's Options Regulatory Fee

August 18, 2021.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on August 9, 2021, Nasdaq GEMX, LLC (''GEMX'' or ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend GEMX's Pricing Schedule at Options 7, Section 5 related to the Options Regulatory Fee or ''ORF''.

While the changes proposed herein are effective upon filing, the Exchange has designated the amendments become operative on October 1, 2021.

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/gemx/rules,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Currently, GEMX assesses an ORF of $0.0018 per contract side as specified in GEMX's Pricing Schedule at Options 7, Section 5. The Exchange proposes to waive its ORF from October 1, 2021 to January 31, 2022, and then recommence the ORF on February 1, 2022.

By way of background, the options industry has experienced extremely high options trading volumes and volatility. This historical anomaly of persistent increased options volumes has impacted GEMX's ORF collection which, in turn, has caused the Exchange to continue to revisit its financial forecast to reflect the sustained elevated options volumes and volatility. As the Exchange continues to monitor the amount of revenue collected from the ORF to ensure that our ORF collection,

in combination with other regulatory fees and fines, does not exceed regulatory costs, the Exchange has found it difficult to determine when volumes will return to more normal levels. In order to avoid iterative rule changes to amend its ORF, the Exchange believes it is prudent to instead waive its ORF from October 1, 2021 to January 31, 2022, to permit the Exchange to plan future forecasts without the need to account for any ORF collection during that timeframe. This proposal would ensure that revenue collected from the ORF, in combination with other regulatory fees and fines, would not exceed the Exchange's total regulatory costs. GEMX would recommence assessing its current ORF rate of $0.0018 per contract side as of February 1, 2022. Furthermore, prior to February 1, 2022, GEMX will examine its ORF rate to determine if the $0.0018 per contract side ORF is justified given the current volumes in 2022 as well as the current Exchange regulatory expenses at that time. GEMX would file a proposed rule change to amend its per contract ORF if changes are necessary to ensure an equitable allocation of reasonable ORF, if *e.g.,* the Exchange believes that the volumes GEMX experiences in the second half of 2021 are likely to persist throughout 2022. Of note, GEMX proposes to continue to operate with the ORF fee waived in January 2022 to allow its members and other broker dealers time to align their systems for February 1, 2022, allowing for time after the holiday period which traditionally have year-end code freezes in place.

Collection of ORF

Currently, GEMX assesses its ORF for each customer option transaction that is either: (1) Executed by a member on GEMX; or (2) cleared by an GEMX member at The Options Clearing Corporation (''OCC'') in the customer range,[3] even if the transaction was executed by a non-member of GEMX, regardless of the exchange on which the transaction occurs.[4]

ORF Revenue and Monitoring of ORF

The Exchange monitors the amount of revenue collected from the ORF to ensure that it, in combination with other regulatory fees and fines, does not exceed regulatory costs. In determining whether an expense is considered a regulatory cost, the Exchange reviews all costs and makes determinations if there is a nexus between the expense and a regulatory function. The Exchange notes that fines collected by the Exchange in connection with a disciplinary matter offset ORF.

Revenue generated from ORF, when combined with all of the Exchange's other regulatory fees and fines, is designed to recover a material portion of the regulatory costs to the Exchange of the supervision and regulation of member customer options business including performing routine surveillances, investigations, examinations, financial monitoring, and policy, rulemaking, interpretive, and enforcement activities. Regulatory costs include direct regulatory expenses and certain indirect expenses in support of the regulatory function. The direct expenses include in-house and third-party service provider costs to support the day-to-day regulatory work such as surveillances, investigations and examinations. The indirect expenses include support from such areas as Office of the General Counsel, technology, and internal audit. Indirect expenses are estimated to be approximately 42% of the total regulatory costs for 2021. Thus, direct expenses are estimated to be approximately 58% of total regulatory costs for 2021.

The ORF is designed to recover a material portion of the costs to the Exchange of the supervision and regulation of its members, including performing routine surveillances, investigations, examinations, financial monitoring, and policy, rulemaking, interpretive, and enforcement activities.

Proposal

Based on the Exchange's most recent review, the Exchange proposes to waive ORF from October 1, 2021 to January 31, 2022, to help ensure that revenue collected from the ORF, in combination with other regulatory fees and fines, does not exceed the Exchange's total regulatory costs. GEMX would recommence assessing its current ORF rate of $0.0018 per contract side as of February 1, 2022. The Exchange issued an Options Trader Alert on August 9, 2021 indicating the proposed rate change for October 1, 2021.[5]

The proposed waiver is based on recent options volume which has remained at abnormally and unexpectedly high levels. Options volume in 2021 remains significantly high when that volume is compared to 2019 and 2020 options volume. For example, total options contract volume in November 2020 was 71% higher than the total options contract volume in November 2019.[6] Below is industry data from OCC[7] which illustrates the significant increase in volume during the fourth quarter of 2020.

Volume	October 2020	November 2020	December 2020	Q4 2020
Total	633,365,184	673,660,858	753,568,354	2,060,594,396
Customer	587,707,301	630,297,252	708,037,956	1,926,042,509
Total ADV	28,789,326.55	33,683,042.90	34,253,107.00	32,196,787.44
Customer ADV	26,713,968.23	31,514,862.60	32,183,543.45	30,094,414.20

Below is industry data from OCC[8] which illustrates the significant increase in volume from January 2021 through March 2021. The options volume in the first quarter of 2021 was higher than the fourth quarter of 2020. Also, April and May 2021 volumes remain significantly high as compared to 2020 options volume in general.

Volume	January 2021	February 2021	March 2021	April 2021	May 2021
Total	838,339,790	823,412,827	898,653,388	711,388,828	718,368,993
Customer	784,399,878	782,113,450	837,247,059	667,208,963	659,913,862
Total ADV	44,123,146.84	43,337,517.20	39,071,886.40	33,875,658.50	35,918,449.70

[3] Participants must record the appropriate account origin code on all orders at the time of entry of the order. The Exchange represents that it has surveillances in place to verify that members mark orders with the correct account origin code.

[4] The Exchange uses reports from OCC when assessing and collecting the ORF.

[5] *See* Options Trader Alert 2021–45.

[6] *See* data from OCC at: *https://www.businesswire.com/news/home/20201202005584/en/OCC-November-2020-Total-Volume-Up-71-Percent-From-a-Year-Ago.*

[7] *See* data from OCC at: *https://www.theocc.com/Market-Data/Market-Data-Reports/Volume-and-Open-Interest/Volume-by-Account-Type.*

[8] *Id.*

Volume	January 2021	February 2021	March 2021	April 2021	May 2021
Customer ADV	41,284,204.11	41,163,865.79	36,402,046.04	31,771,855.38	32,995,693.10

As a result of the historical anomaly created by these high options volumes, GEMX has no assurance that the Exchange's final costs for 2021 will not differ materially from these expectations and prior practice, nor can the Exchange predict with certainty whether options volume will remain at the current level going forward. The Exchange notes however, that when combined with regulatory fees and fines, the revenue being generated utilizing the current ORF rate may result in revenue in excess of the Exchange's estimated regulatory costs for the year. Particularly, as noted above, the options market has seen a substantial increase in volume in 2021 as compared to 2020, due in large part to the continued extreme volatility in the marketplace as a result of the COVID–19 pandemic. This unprecedented spike in volatility resulted in significantly higher volume than was originally projected by the Exchange (thereby resulting in substantially higher ORF revenue than projected). The Exchange therefore proposes to waive ORF from October 1, 2021 to January 31, 2022 to ensure it does not exceed its regulatory costs for 2021. Particularly, the Exchange believes that waiving ORF from October 1, 2021 to January 31, 2022 and considering all of the Exchange's other regulatory fees and fines would allow the Exchange to continue covering a material portion of its regulatory costs, while lessening the potential for generating excess revenue that may otherwise occur using the current rate.[9]

GEMX would recommence assessing its current ORF rate of $0.0018 per contract side as of February 1, 2022. Until October 1, 2021, the Exchange will continue to monitor the amount of revenue collected from the ORF to ensure that it, in combination with its other regulatory fees and fines, does not exceed regulatory costs. The Exchange would also continue monitoring the amount of revenue collected from the ORF when it recommences assessing ORF on February 1, 2022. If the Exchange determines regulatory revenues exceed regulatory costs, the Exchange will adjust the ORF by submitting a fee change filing to the Commission and notifying[10] its members via an Options Trader Alert.[11]

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[12] Specifically, the Exchange believes the proposed rule change is consistent with Section 6(b)(4) of the Act,[13] which provides that Exchange rules may provide for the equitable allocation of reasonable dues, fees, and other charges among its members, and other persons using its facilities. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[14] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes the proposed fee waiver is reasonable because customer transactions will be subject to no ORF from October 1, 2021 to January 31, 2022. Moreover, the proposed waiver is necessary, so the Exchange does not collect revenue in excess of its anticipated regulatory costs, in combination with other regulatory fees and fines, which is consistent with the Exchange's practices.

The Exchange designed the ORF to generate revenues that would be less than the amount of the Exchange's regulatory costs to ensure that it, in combination with its other regulatory fees and fines, does not exceed regulatory costs, which is consistent with the view of the Commission that regulatory fees be used for regulatory purposes and not to support the Exchange's business operations. As discussed above, however, after review of its regulatory costs and regulatory revenues, which includes revenues from ORF and other regulatory fees and fines, the Exchange determined that absent a reduction in ORF, it may be collecting revenue in excess of its regulatory costs. Indeed, the Exchange notes that when considering the recent options volume, which included an increase in customer options transactions, it estimates the ORF may generate revenues that may cover more than the approximated Exchange's projected regulatory costs. As such, the Exchange believes it is reasonable and appropriate to waive ORF from October 1, 2021 to January 31, 2022 and recommence assessing ORF on February 1, 2022.

The Exchange also believes the proposed fee change is equitable and not unfairly discriminatory as no member would be assessed an ORF from October 1, 2021 to January 31, 2022. While the Exchange has assessed and collected ORF from January through September 2021, but will not collect ORF, with this proposal, from October 2021 through January 2022, the Exchange does not believe that it is unfairly discriminatory to not assess the ORF from October 2021 through January 2022 because the ORF is designed and intended to recover a portion of the Exchange's regulatory costs without collecting in excess of those costs. Unexpectedly high and sustained customer volume has resulted in higher revenues from the ORF that, if not suspended, will likely result in over-collection of ORF, which would be inconsistent with the Exchange's prior representations and undertaking to not collect ORF in excess of regulatory expenses. The Exchange did not decrease the amount of the ORF earlier in 2021 because it did not expect, based on its prior experience, that customer volume would remain abnormally high. Also, it is equitable and not unfairly discriminatory to recommence the assessment of the ORF on February 1, 2022 because assessing the ORF to each member for options transactions cleared by OCC in the customer range where the execution occurs on another exchange and is cleared by a GEMX member is an equitable allocation of reasonable dues, fees, and other charges among its members and issuers and other persons using its facilities.[15]

[9] The Exchange notes that its regulatory responsibilities with respect to member compliance with options sales practice rules have largely been allocated to FINRA under a 17d–2 agreement. The ORF is not designed to cover the cost of that options sales practice regulation.

[10] The Exchange will provide members with such notice at least 30 calendar days prior to the effective date of the change.

[11] The Exchange notes that in connection with this proposal, it provided the Commission confidential details regarding the Exchange's projected regulatory revenue, including projected revenue from ORF, along with a projected regulatory expenses.

[12] 15 U.S.C. 78f(b).

[13] 15 U.S.C. 78f(b)(4).

[14] 15 U.S.C. 78f(b)(5).

[15] If the OCC clearing member is a GEMX member, ORF is assessed and collected on all cleared customer contracts (after adjustment for CMTA); and (2) if the OCC clearing member is not a GEMX member, ORF is collected only on the cleared customer contracts executed at GEMX, taking into account any CMTA instructions which

Continued

The Exchange believes recommencing the ORF on February 1, 2022 at the same rate, unless options volumes or the Exchange's regulatory expense at that time warrant a proposed rule change, continues to ensure fairness by assessing higher fees to those members that require more Exchange regulatory services based on the amount of customer options business they conduct. As noted in prior ORF rule changes which set the current ORF rate of $0.0018 per contract side, regulating customer trading activity is much more labor intensive and requires greater expenditure of human and technical resources than regulating non-customer trading activity, which tends to be more automated and less labor-intensive. For example, there are costs associated with main office and branch office examinations (*e.g.,* staff expenses), as well as investigations into customer complaints and the terminations of registered persons.[16]

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that this proposal creates an unnecessary or inappropriate intra-market or inter-market burden on competition for several reasons. First, while GEMX's ORF has been not [sic] been amended since its inception in 2013,[17] other exchanges have amended their ORF. For example, ISE amended its ORF rate on April 1, 2021, from $0.0020 to $0.0018 per contract side.[18] With respect to that filing, members who either executed a transaction on ISE or cleared a transaction at OCC in the customer range would have been assessed a higher ORF for a transaction executed on ISE on March 31, 2021 ($0.0020 per contract side) as compared to April 1, 2021 ($0.0018 per contract side). Second, GEMX's regulatory costs have varied over time. For example, if GEMX received payment of a fine from a disciplinary action, that fine would offset regulatory costs and would cause GEMX to require less regulatory revenue for a particular period. The changing regulatory costs would impact the ORF assessed by GEMX to members. Third, options markets assess ORF at different rates. For instance, today, Nasdaq MRX, LLC (''MRX'') assesses a lower ORF of $0.0004 per contract side.[19] MRX has assessed this rate since February 1, 2019.[20] Depending on where a customer order is executed, a member could be assessed a much different ORF. For example, in the case where a customer order is sent to GEMX and routed to MRX, and a non-member cleared that transaction, the GEMX ORF of $0.0018 would not be assessed to the member who executed the transaction or cleared the transaction, rather the MRX rate of $0.0004 per contract side would be assessed. In that same scenario presuming a non-member cleared the transaction, if the customer order could have executed on GEMX instead of routing away the member would have been assessed the GEMX ORF of $0.0018 per contract side. The customer, in that instance, would have no knowledge of where the order could be executed, as the liquidity profile of each exchange may differ at that exact moment. Therefore, members could be assessed a different ORF on the same day on the same transaction based on routing decisions, and in those cases the member would continue to benefit from the regulatory program available on each market and discover where the liquidity is available, irrespective of any ORF rate differentials across markets.

The Exchange believes recommencing the ORF on February 1, 2022 at the same rate, unless options volumes or the Exchange's regulatory expense at that time warrant a proposed rule change, does not create an undue burden on competition because the ORF applies to all customer activity, thereby raising regulatory revenue to offset regulatory expenses. It also supplements the regulatory revenue derived from non-customer activity. Recommencing the assessment of the current ORF does not create an unnecessary or inappropriate inter-market burden on competition because it is a regulatory fee that supports regulation in furtherance of the purposes of the Act. The Exchange is obligated to ensure that the amount of regulatory revenue collected from the ORF, in combination with its other regulatory fees and fines, does not exceed regulatory costs.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[21] and paragraph (f) of Rule 19b–4[22] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act.

may result in collecting the ORF from a non-member.

[16] *See* Securities Exchange Act Release No. 85140 (February 14, 2019), 84 FR 5511 (February 21, 2019) (SR–GEMX–2019–01) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Options Regulatory Fee). The Exchange also noted in this rule change that, ''As a result, the costs associated with administering the customer component of the Exchange's overall regulatory program are materially higher than the costs associated with administering the non-customer component (*e.g.,* member proprietary transactions) of its regulatory program.'' Further, the Exchange notes that it has broad regulatory responsibilities with respect to activities of its members, irrespective of where their transactions take place. Many of the Exchange's surveillance programs for customer trading activity may require the Exchange to look at activity across all markets, such as reviews related to position limit violations and manipulation. Indeed, the Exchange cannot effectively review for such conduct without looking at and evaluating activity regardless of where it transpires. In addition to its own surveillance programs, the Exchange also works with other SROs and exchanges on intermarket surveillance related issues. Through its participation in the Intermarket Surveillance Group (''ISG'') the Exchange shares information and coordinates inquiries and investigations with other exchanges designed to address potential intermarket manipulation and trading abuses. Accordingly, there is a strong nexus between the ORF and the Exchange's regulatory activities with respect to customer trading activity of its members.''

[17] The Exchange adopted the ORF in 2013. *See* Securities Exchange Act Release No. 70200 (August 14, 2013), 78 FR 51242 (August 20, 2013) (SR-Topaz-2013–01). GEMX amended its ORF in 2017, but no rate change occurred at that time. *See* Securities Exchange Act Release No. 81342 (August 8, 2017), 82 FR 37971 (August 14, 2017) (SR–GEMX–2017–31).

[18] *See* Securities Exchange Act Release No. 91420 (March 26, 2021), 86 FR 17223 (April 1, 2021) (SR–ISE–2021–04) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend ISE's Pricing Schedule at Options 7, Section 9, Part C To Reduce the Options Regulatory Fee).

[19] *See* Securities Exchange Act Release Nos. 85127 (February 13, 2019), 84 FR 5173 (February 20, 2019) (SR–MRX–2019–03).

[20] Of note, prior to February 1, 2019, MRX assessed no ORF thereby creating a calendar year where members were assessed no ORF for a period similar to what is proposed.

[21] 15 U.S.C. 78s(b)(3)(A).

[22] 17 CFR 240.19b–4(f).

Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File No. SR–GEMX–2021–08 on the subject line.

Paper Comments

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

All submissions should refer to File No. SR–GEMX–2021–08. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File No. SR–GEMX–2021–08, and should be submitted on or before September 14, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[23]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2021–18122 Filed 8–23–21; 8:45 am]

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[23] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–92701; File No. SR–CboeBZX–2021–056]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing of a Proposed Rule Change To Allow the Invesco Focused Discovery Growth ETF and Invesco Select Growth ETF To Strike and Publish an Intra-Day NAV and an End-of-Day NAV

August 18, 2021.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on August 12, 2021, Cboe BZX Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe BZX Exchange, Inc. (the ''Exchange'' or ''BZX'') is filing with the Securities and Exchange Commission (''Commission'') a proposed rule amendment to allow the Invesco Focused Discovery Growth ETF and Invesco Select Growth ETF (each a ''Fund'' and, collectively, the ''Funds''), each a series of the Invesco Actively Managed Exchange-Traded Fund Trust (the ''Trust''), to strike and publish an intra-day net asset value (''NAV'') and an end-of-day NAV.

The text of the proposed rule change is also available on the Exchange's website (*http://markets.cboe.com/us/equities/regulation/rule_filings/bzx/*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposed and the Commission approved a rule to permit the listing and trading of the Shares of each Fund.[3] On December 22, 2020, the Exchange commenced trading in the Shares of each Fund. The Exchange now proposes to continue listing and trading the Shares of each Fund pursuant to Rule 14.11(m) and to permit the Funds to strike and publish a single intra-day NAV in addition to the current practice of striking and publishing an end-of-day NAV. This proposal is designed to assist market makers in assessing and managing their intra-day risk, provide greater flexibility in creating and redeeming shares and provide the marketplace with additional information about the Funds. The Exchange believes this feature of the Funds will allow market participants to better assess and manage their intra-day risk in making a market in the Funds' shares, and provide additional certainty around intra-day price and hedging for the Funds' shares.

The NAV represents the value of a fund's assets minus its liabilities divided by the number of shares outstanding and is used in valuing exchange-traded products (''ETPs''), including Tracking Fund Shares. By way of background, an ETP issues shares that can be bought or sold throughout the day in the secondary market at a market-determined price. Authorized participants that have contractual arrangements with the ETP (and/or its distributor) purchase and redeem ETP shares directly from the ETP in blocks called creation units at a price equal to the next-calculated NAV, and may then purchase or sell individual ETP shares in the secondary market at market-determined prices. ETP shares trade at market prices, but the market price typically will be more or less than the fund's NAV per share due to a variety of factors, including the underlying prices of the ETP's assets and the demand for the ETP shares. Nonetheless, an ETP's market price is generally kept close to the ETP's end-of-day NAV because of the arbitrage function inherent to the structure of the ETP. An arbitrage opportunity is

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 90684 (December 16, 2020) 85 FR 83637 (December 22, 2020) (SR–CboeBZX–2020–091) (the ''Initial Filing'').

inherent in the ETP structure because the ETP share's intra-day market price fluctuates in response to standard supply/demand dynamics during the trading day. Due to this fluctuation, the ETP's intra-day market price may not equal the actual value of ETP's underlying holdings that would form the basis of the NAV. Accordingly, authorized participants can arbitrage this difference (and make a profit) because they can trade directly with the ETP at NAV[4] as well as on the market at market-determined prices. The expected result of the arbitrage activity is that the market value of the ETP moves back in line with the ETP's NAV per share and investors are able to buy ETP shares on an exchange that is close to the ETP's NAV per share. The arbitrage mechanism is important because it provides a means to maintain a close tie between market price and NAV per share of the ETP throughout the day and on market close, thereby helping to ensure that ETP investors are treated equitably when buying and selling fund shares.

In order for the arbitrage mechanism described above to operate efficiently, market participants need to be able to hedge their intra-day risk effectively and estimate, with high accuracy, the value of the ETP's holdings, such that it can then observe instances when the value of such holdings, on a per-share basis, is higher or lower than the current trading price of the shares on an exchange. Principal aspects of the ETP structure that facilitate these two processes are: (i) Timing of the NAV strike and creation/redemption order window; and (ii) the volume of information available regarding the underlying holdings of the ETP, from which the authorized participant can estimate the ETP's NAV per share at any given time. With respect to the former, if an ETP can offer a more than one opportunity to ''lock in'' the purchase price of the ETP (*i.e.,* shorten the duration of the market risk that the authorized participant is bearing), the Exchange believes that the arbitrage mechanism will operate more efficiently, resulting in tighter spreads for the trading of the ETP shares.

Additionally, with respect to information dissemination, in general, the more information that is available to assist the market participants in estimating the value of the fund's holdings, the better the arbitrage mechanism will operate with respect to the Tracking Fund Shares. In the case of Tracking Fund Shares, the applicable ETP disseminates various information to achieve that goal, while not publishing a full list of fund holdings daily. First, as noted in the Initial Filing, each Fund will disclose its respective Fund Portfolio[5] including the name, identifier, market value and weight of each security and instrument in the portfolio, at a minimum within at least 60 days following the end of every fiscal quarter.[6] Additionally, the Tracking Basket[7] (also referred to as the ''substitute basket'') for each Fund will be publicly disseminated at least once daily.[8] The Tracking Basket is designed to closely track the daily performance of the Fund, but is not fully-representative of the Fund Portfolio. The Tracking Basket often will include a significant percentage of the securities held in the Fund Portfolio, but it will exclude (or modify the weightings of) certain securities held in the Fund Portfolio, such as those securities that the Fund's portfolio managers are actively looking to purchase or sell, or securities which, if disclosed, could increase the risk of front-running of free-riding. The Tracking Basket may also include cash. Lastly, the issuer of the Funds represented that the NAV per share for each of the Funds will be calculated daily along with certain metrics, including the premium or discount between NAV and final trading price of the Shares and information about how well the performance of the Tracking Basket has correlated with the performance of the Fund Portfolio.[9] While nothing in the Initial Filing, the Exemptive Relief, or Rule 14.11(m) requires the Funds to disseminate an intraday indicative value (''IIV''), both Funds disseminate an IIV as such dissemination is not prohibited by the Initial Filing, Exemptive Relief or Rule 14.11(m).[10] The IIV refers to an intraday estimate of a fund's NAV per share, and is calculated based on the valuation of Fund Portfolio holdings from the prior Business Day, and accounting for intra-day price movements for such holdings. The IIV is disseminated by each Fund every second during Regular Trading Hours.[11] Due to the accounting method for trading activity for the Funds (*i.e.,* T+1 accounting), the portfolio upon which the IIV is calculated is the same as the portfolio that would serve as the basis for the Intra-Day NAV strike. Accordingly, it is expected that the IIV disseminated at the same time that the Intra-Day NAV is struck would be identical (*e.g.* the 12:00 p.m. Eastern Time IIV and an Intra-Day NAV struck at 12:00 p.m. Eastern Time would be the same). However, although the IIV provides a great deal of price transparency to the market, it is not an official NAV of the Funds derived using the processes and governance designed to ensure an accurate and reliable calculation before dissemination. Accordingly, an official NAV would, in concert with the IIV, provide a reliable verification and further clarity as to Fund portfolio pricing.[12]

In furtherance of the Funds' objectives of tightening spreads in the trading of their shares and increasing the efficiency of the arbitrage mechanism, the Funds will strike one NAV during normal trading (the ''Intra-Day NAV'') and one NAV again at the close of trading at 4:00 p.m. ET (the ''End-of-Day NAV'' and collectively with Intra-Day NAV, the ''Published NAVs''). The Funds anticipate that the Intra-Day NAV will be struck at 12:00 p.m. ET; however, the Funds represent that the Intra-Day NAV may be struck at a pre-determined, and publicly disclosed, time between 11:00 a.m. ET and 2 p.m. ET. The timing of the Intra-Day NAV will be disclosed in each Fund's prospectus and will not change without prior notification to shareholders and the market in the form of a prospectus supplement. The Intra-Day NAV would be calculated based on the values of the

[4] An open-end fund is required by law to redeem its securities on demand from shareholders at a price approximately the proportionate share of the fund's NAV at the time of redemption. *See* 15 U.S.C. 80a–22(d).

[5] The term ''Fund Portfolio'' means the identities and quantities of the securities and other assets held by the Investment Company that will form the basis for the Investment Company's calculation of net asset value at the end of the business day. *See* Exchange Rule 14.11(m)(3)(B).

[6] *See* Exchange Rule 14.11(m)(4)(B)(ii).

[7] The term ''Tracking Basket'' means the identities and quantities of the securities and other assets included in a basket that is designed to closely track the daily performance of the Fund Portfolio, as provided in the exemptive relief under the Investment Company Act of 1940 applicable to a series of Tracking Fund Shares (the ''Exemptive Relief''). The website for each series of Tracking Fund Shares shall disclose the following information regarding the Tracking Basket as required under this Rule 14.11(m), to the extent applicable: (i) Ticker symbol; (ii) CUSIP or other identifier; (iii) Description of holding; (iv) Quantity of each security or other asset held; (v) and Percentage weight of the holding in the portfolio.

[8] *See* Exchange Rule 14.11(m)(4)(B)(i).

[9] *See* Exchange Rule 14.11(m)(4)(A)(ii).

[10] As noted above, nothing in the Initial Filing, the Exemptive Relief, or Rule 14.11(m) requires the Funds to disseminate an IIV; therefore, the Fund is not representing that it will in the future continue to disseminate an IIV for either or both of the Funds.

[11] ''Regular Trading Hours'' refers to the time between 9:30 a.m. and 4:00 p.m. Eastern time. *See* Exchange Rule 1.5(w).

[12] Further, in the rare instances where there may be a delay or error in calculating the IIV the dissemination of the official Intra-Day NAV would alert the market to any disparity. As discussed herein, the calculation of an official NAV takes more time to disseminate than the IIV, reflecting the robust verification and validation processes employed.

securities in the Fund Portfolio at the time the Intra-Day NAV is struck, which may differ from the values of the securities in the Fund Portfolio at the time the End-of-Day NAV is struck. As noted in the Initial Filing, Shares of each of the Funds are offered by the Trust, which is registered with the Commission as an open-end investment company and has filed a registration statement on behalf of the Funds on Form N–1A with the Commission.[13] The Registration Statement provides that the Funds may calculate the NAV per Share more than once daily (*e.g.,* at 12 p.m. ET and 4:00 p.m. ET), however, the Initial Filing did not seek to allow the Funds to calculate more than one NAV per day. Now, the Exchange is seeking approval to explicitly allow the Funds to strike and publish an intra-day NAV per Share daily in addition to the end-of-day NAV.[14]

As noted above, the Intra-Day NAV for the Funds will be struck based on the Portfolio Holdings at a pre-determined time between 11:00 a.m. and 2:00 p.m. Eastern Time on each day the Exchange is open. The Intra-Day NAV will be calculated based on the valuation of Fund holdings as of the NAV strike time, with the calculation of such NAV typically occurring within two hours of the time the NAV strike time (*e.g.,* 12:00 p.m. Eastern Time), and will be disseminated to market participants shortly after calculation. Further, the Intra-Day NAV will be disseminated to all market participants at the same time in the same manner as the End-of-Day NAV is currently disseminated.[15]

Currently, all orders to purchase or redeem creation units must be received by the transfer agent and/or distributor no later than the order cut-off time designated in the participant agreement[16] on the relevant Business Day in order for the creation or redemption of creation units to be effected based on the NAV of Shares as determined on such date. With certain exceptions, the order cut-off time for the Funds, as set forth in the participant agreement, usually is the closing time of the regular trading session—*i.e.,* ordinarily 4:00 p.m. Eastern time.[17] In the case of custom orders,[18] the order cut-off time is 3:00 p.m. Eastern time. Additionally, on days when the Exchange closes earlier than normal, the Trust may require the creation orders to be placed earlier in the day.

As proposed, with certain exceptions the order cut-off time for the Intra-Day NAV will be the time at which the Intra-Day NAV is struck (*e.g.,*12:00 p.m. Eastern time). In the case of custom orders, the transfer agent must receive the creation or redemption order no later than one hour prior to the time at which the Intra-Day NAV is struck (*e.g.,* 11:00 a.m. Eastern time). The Funds will issue and redeem Shares in creation units at the NAV per Share next determined after an order in proper form is received (which may be the Intra-Day NAV or the End-of-Day NAV depending on when the order is received). Specifically, if an order to purchase or redeem Shares of either of the Funds was received by the transfer agent prior to the time at which the Intra-Day NAV is struck (or, in the case of custom orders, one hour prior to the time at which the Intra-Day NAV is struck), the Fund would issue or redeem Shares in creation units at the Intra-Day NAV. Conversely, if an order to purchase or redeem Shares of either of the Funds was received by the transfer agent after the Intra-Day NAV is struck but before 4:00 Eastern time(or, in the case of custom orders, by 3:00 p.m. Eastern time), the Fund would issue or redeem Shares in creation units at the End-of-Day NAV.

The Exchange believes that providing authorized participants with the ability to create and redeem during the trading day, coupled with the price certainty of a second official NAV being available to market participants, will reduce the risk that market participants face intra-day related to the possible divergence between the Tracking Basket and the value of the Fund Portfolio, which should enable them to reduce spreads on Shares. Authorized participants will be able to ''lock in'' their creation and redemption transactions during the trading day at an Intra-Day NAV, and at the end of the trading day at the End-of-Day NAV.[19] As proposed, the Funds will continue to meet all listings standards provided in Rule 14.11(m). The only change to the Funds that the Exchange is proposing is to allow the Funds to strike an Intra-Day NAV. All other material representations contained within the Initial Filing remain true and will continue to constitute continued listing requirements for the Funds.

2. Statutory Basis

The Exchange believes that the proposal is consistent with Section 6(b) of the Act[20] in general and Section 6(b)(5) of the Act[21] in particular in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest in that the Shares of each Fund will meet each of the continued listing criteria in BZX Rule 14.11(m), as provided in the Initial Filing.

The proposal to allow the Funds to strike and publish an Intra-Day NAV will afford authorized participants with additional flexibility in the timing of creation and redemption activity and provide the marketplace with additional, official information related to each Fund's underlying holdings on an intra-day basis The Exchange believes that this additional feature will allow market participants to better assess and manage their intra-day risk in making a market in the Funds' shares, and provide additional certainty around intra-day price and hedging for the Funds' shares. Further, the Exchange believes that the likely resulting tighter

[13] The Trust is registered under the 1940 Act. On September 25, 2020, the Trust filed post-effective amendments to its registration statement on Form N–1A relating to each Fund (File No. 811–22148) (the ''Registration Statement''). The descriptions of the Funds and the Shares contained herein are based, in part, on information included in the Registration Statement. The Commission has issued an order granting certain exemptive relief to the Trust (the ''Exemptive Relief'') under the 1940 Act. *See* Investment Company Act of 1940 Release No. 34127 (December 2, 2020).

[14] The Exchange's proposal is similar to functionality offered for other ETPs. For example, the prospectus for the Invesco Treasury Collateral ETF provides that the Fund is calculated at 12 p.m. and 4 p.m. ET every day the New York Stock Exchange (''NYSE'') is open and the Goldman Sachs Access Treasury 0–1 Year ETF has similar practices. See *http://hosted.rightprospectus.com/Invesco/Fund.aspx?cu=46138G888&dt=P&ss=ETF* and *https://www.gsam.com/bin/gsam/servlets/LiteratureViewerServlet?pdflink=%2Fcontent%2Fdam%2Fgsam%2Fpdfs%2Fus%2Fen%2Fprospectus-and-regulatory%2Fprospectus%2Fetf-combined-access-prospectus.pdf&RequestURI=/content/gsam/us/en/advisors/fund-center/etf-fund-finder&sa=n.*

[15] Currently, the end-of-day NAV is disseminated publicly via the Issuer's website at *www.invesco.com/ETFs.*

[16] The ''participant agreement'' refers to the executed written agreement between an authorized participant and the Fund, or one of its service providers, that allows the authorized participant to place creation and redemption orders.

[17] *See also* Exchange Rule 14.11(m)(3)(B).

[18] A ''custom order'' refers to creation or redemption orders using Shares that consist of securities that differ from the composition of the Tracking Basket.

[19] The Exchange believes that the beneficial effect of having the ability to ''lock in'' the Intra-Day NAV will exist even if authorized participants do not regularly make use of the first creation/redemption window. By having the flexibility to place orders with less remaining time until the official NAV is struck, authorized participants will be able to hedge risk with a shorter time horizon contemplated.

[20] 15 U.S.C. 78f(b).

[21] 15 U.S.C. 78f(b)(5).

spreads and deeper liquidity will deter potential fraudulent or manipulative acts associated with the Funds' Share price. The only change to the Funds that the Exchange is proposing is to allow the Funds to strike an Intra-Day NAV. All other material representations contained within the Initial Filing remain true and will continue to constitute continued listing requirements for the Funds.

For the above reasons, the Exchange believes that the proposed rule change is consistent with the requirements of Section 6(b)(5) of the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purpose of the Act. The Exchange notes that the proposed rule change, rather, will provide additional information to market participants thereby reducing market participants risk and intra-day price uncertainty which will allow the Fund to better compete in the marketplace, thus enhancing competition among both market participants and listing venues, to the benefit of investors and the marketplace.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove the proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov. Please include File Number SR–CboeBZX–2021–056 on the subject line.*

Paper Comments

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

All submissions should refer to File Number SR–CboeBZX–2021–056. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CboeBZX–2021–056 and should be submitted on or before September 14, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[22]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2021–18120 Filed 8–23–21; 8:45 am]

BILLING CODE 8011–01–P

[22] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF STATE

[Public Notice: 11506]

Notice of Determinations; Culturally Significant Objects Being Imported for Exhibition—Determinations: ''Queen Nefertari: Eternal Egypt'' Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that certain objects being imported from abroad pursuant to agreements with their foreign owner or custodian for temporary display in the exhibition ''Queen Nefertari: Eternal Egypt'' at the Portland Art Museum, Portland, Oregon, the New Orleans Museum of Art, New Orleans, Louisiana, and at possible additional exhibitions or venues yet to be determined, are of cultural significance, and, further, that their temporary exhibition or display within the United States as aforementioned is in the national interest. I have ordered that Public Notice of these determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Chi D. Tran, Program Administrator, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, 2200 C Street, NW (SA–5), Suite 5H03, Washington, DC 20522–0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, and Delegation of Authority No. 236–3 of August 28, 2000.

Matthew R. Lussenhop,

Acting Assistant Secretary, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2021–18158 Filed 8–23–21; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice: 11511]

60-Day Notice of Proposed Information Collection: Request for Overseas U.S. Citizen Vital Records Services

ACTION: Notice of request for public comment.

SUMMARY: The Department of State is seeking Office of Management and Budget (OMB) approval for the

information collection described below. In accordance with the Paperwork Reduction Act of 1995, we are requesting comments on this collection from all interested individuals and organizations. The purpose of this notice is to allow 60 days for public comment preceding submission of the collection to OMB.

DATES: The Department will accept comments from the public up to *October 25, 2021.*

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

- *Web:* Persons with access to the internet may comment on this notice by going to regulations.gov. You can search for the document by entering ''Docket Number: DOS–2021–0028'' in the search field, clicking the ''Comment Now'' button, and completing the comment form.
- *Email: PPTFormsOfficer@state.gov.*
- *Regular Mail:* Send written comments to: PPT Forms Officer, U.S. Department of State, Bureau of Consular Affairs, Passport Services, Office of Program Management and Operational Support, 44132 Mercure Cir, P.O. Box 1199, Sterling, VA 20166–1199.

You must include the DS form number (if applicable), information collection title, and the OMB control number in any correspondence.

SUPPLEMENTARY INFORMATION:

- *Title of Information Collection:* Request for Overseas U.S. Citizen Vital Records Services.
- *OMB Control Number:* None.
- *Type of Request:* New Collection.
- *Originating Office:* Department of State, Bureau of Consular Affairs, Passport Services, Office of Program Management and Operational Support (CA/PPT/S/PMO/CS).
- *Form Number:* DS–5542.
- *Respondents:* Individuals.
- *Estimated Number of Respondents:* 16,846.
- *Estimated Number of Responses:* 16,846.
- *Average Time per Response:* 40 minutes.
- *Total Estimated Burden Time:* 11,231 hours.
- *Frequency:* On Occasion.
- *Obligation to Respond:* Required to Obtain a Benefit.

We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary for the proper functions of the Department.
- 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.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

Abstract of Proposed Collection

The Request for Overseas U.S. Citizen Vital Records Services is submitted to the Office of Record Services to request certified or authenticated copies of overseas U.S. citizen vital records such as Consular Reports of Birth/Death Abroad, Certificates of Witness to Marriage, and Panama Canal Zone documents pursuant to authorized requests. Requests for correction, amendment, or replacement of such vital records may be made using this form also.

Methodology

A PDF fillable form will be available on the Department's website, *travel.state.gov,* where it can be printed for manual signature and submission. The Request for Overseas U.S. Citizen Vital Records Services form may be submitted by mail to request certified or authenticated copies of overseas U.S. citizen vital records maintained by the Office of Record Services. Requests for correction, amendment, or replacement of such vital records may be made using this form also.

Amanda E. Jones,

Acting Deputy Assistant Secretary for Passport Services, Bureau of Consular Affairs, Department of State.

[FR Doc. 2021–18149 Filed 8–23–21; 8:45 am]

BILLING CODE 4710–06–P

DEPARTMENT OF STATE

[Public Notice: 11504]

Notice of Determinations; Culturally Significant Objects Being Imported for Exhibition—Determinations: ''Holbein: Capturing Character'' Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that certain objects being imported from abroad pursuant to agreements with their foreign owners or custodians for temporary display in the exhibition ''Holbein: Capturing Character'' at the J. Paul Getty Museum at the Getty Center, Los Angeles, California, The Morgan Library & Museum, New York, New York, and at possible additional exhibitions or venues yet to be determined, are of cultural significance, and, further, that their temporary exhibition or display within the United States as aforementioned is in the national interest. I have ordered that Public Notice of these determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Chi D. Tran, Program Administrator, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, 2200 C Street, NW (SA–5), Suite 5H03, Washington, DC 20522–0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, and Delegation of Authority No. 236–3 of August 28, 2000.

Matthew R. Lussenhop,

Acting Assistant Secretary, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2021–18157 Filed 8–23–21; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice: 11509]

U.S. Advisory Commission on Public Diplomacy; Notice of Meeting

The U.S. Advisory Commission on Public Diplomacy (ACPD) will hold a virtual public meeting from 12:00 p.m. until 1:30 p.m., Friday, September 17, 2021. The meeting, ''USAGM—Back to the Future?'' will focus on public diplomacy and International Broadcasting. A panel of experts will discuss the nature and function of public-funded international media.

This meeting is open to the public, including the media and members and staff of governmental and non-governmental organizations. To obtain the web conference link and password please register here: *https://www.eventbrite.com/e/usagm-back-to-the-future-tickets-166807195813.* To request reasonable accommodation, please email ACPD Program Assistant

Kristy Zamary at *ZamaryKK@state.gov.* Please send any request for reasonable accommodation no later than September 8, 2021. Requests received after that date will be considered but might not be possible to fulfill. Attendees should plan to enter the web conference waiting room by 11:50 a.m. to allow for a prompt start.

Since 1948, the ACPD has been charged with appraising activities intended to understand, inform, and influence foreign publics and to increase the understanding of, and support for, these same activities. The ACPD conducts research that provides honest assessments of public diplomacy efforts, and disseminates findings through reports, white papers, and other publications. It also holds public symposiums that generate informed discussions on public diplomacy issues and events. The Commission reports to the President, Secretary of State, and Congress and is supported by the Office of the Under Secretary of State for Public Diplomacy and Public Affairs.

For more information on the U.S. Advisory Commission on Public Diplomacy, please visit *https://www.state.gov/bureaus-offices/under-secretary-for-public-diplomacy-and-public-affairs/united-states-advisory-commission-on-public-diplomacy/,* or contact Executive Director Vivian S. Walker at *WalkerVS@state.gov* or Senior Advisor Deneyse Kirkpatrick at *kirkpatrickda2@state.gov.*

Vivian S. Walker,

Executive Director, U.S. Advisory Commission on Public Diplomacy, Department of State.

[FR Doc. 2021–18212 Filed 8–23–21; 8:45 am]

BILLING CODE 4710–45–P

DEPARTMENT OF STATE

[Public Notice: 11507]

Title Bureau of International Organization Affairs Stakeholder Listening Session in Preparation for the September 2021 UN Food Systems Summit

ACTION: Notice of listening session for the UN Food Systems Summit.

SUMMARY: The U.S. Department of State's Bureau of International Organization Affairs (IO)—which is responsible for coordinating the U.S. government's engagement in the UN Food Systems Summit in September 2021—will hold an informal Stakeholder Listening Session, along with the U.S. Agency for International Development and the U.S. Department of Agriculture, on Friday, September 3, 2021, from 10:00 a.m.–12:00 p.m. ET. The listening session will be held virtually, and the meeting link will be shared with registered participants prior to the session.

DATES: The listening session will be held on Friday, September 3, 2021, from 10:00 a.m.–12:00 p.m. Eastern Time (ET). Please register by Thursday, August 26, 2021. Registration is required for the event. Please send your full name, email address, organization, and any requests for reasonable accommodation to *UNFSS@state.gov* to register. Please RSVP no later than Thursday, August 26, 2021.

FOR FURTHER INFORMATION CONTACT: Please contact Claire Crites, Office Management Specialist, the Bureau of International Organization Affairs at telephone number 202–647–0154 or via email at *UNFSS@state.gov.*

SUPPLEMENTARY INFORMATION: The Stakeholder Listening Session will help U.S. departments and agencies prepare for the UN Food Systems Summit by taking full advantage of the knowledge, ideas, feedback, and suggestions from all communities interested in, and affected by, agenda items to be discussed at the UN Food Systems Summit. Your input will contribute to U.S. positions as we engage on food systems topics with our international colleagues. The listening session will be organized by agenda item, and participation is welcome from stakeholder communities, including:

- Organizations with an interest in food systems and food security
- State, local, and Tribal groups;
- Private industry;
- Academic and scientific organizations.

Written comments are welcome and encouraged, even if you are planning on attending the virtual session. Please send written comments to the email address: *UNFSS@state.gov.*

(Authority: 22 U.S.C. 2656, 2651a; and 5 U.S.C. 551 *et seq.*)

Monique Nowicki,

Food Systems Summit Coordinator, Office of Economic and Development Affairs, Bureau of International Organization Affairs, U.S. Department of State.

[FR Doc. 2021–17889 Filed 8–23–21; 8:45 am]

BILLING CODE 4710–19–P

SURFACE TRANSPORTATION BOARD

[Docket No. AB 1318X)]

West Belt Railway LLC—Discontinuance of Service Exemption—in St. Louis County, Mo.

West Belt Railway LLC (WBRY) has filed a verified notice of exemption under 49 C.FR part 1152 subpart F—*Exempt Abandonments and Discontinuances of Service* to discontinue service over an approximately 0.1-mile segment of rail line between milepost 0.7 (near Bodine Industrial Drive crossing) and milepost 0.8 (the end of the line) in St. Louis County, Mo. (the Line).[1] The Line traverses U.S. Postal Service Zip Code 63114.

WBRY has certified that: (1) It has moved no local traffic over the Line in at least two years; (2) any overhead traffic can be rerouted; (3) no formal complaint filed by a user of rail service on the Line (or a state or local government entity acting on behalf of such user) regarding cessation of service over the Line either is pending with the Surface Transportation Board or any U.S. District Court or has been decided in favor of a complainant within the two-year period; and (4) the requirements at 49 CFR 1105.12 (newspaper publication) and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the discontinuance of service shall be protected under *Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho,* 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA)[2] to subsidize continued rail service has been received, this exemption will be effective on September 23, 2021, unless stayed pending reconsideration. Petitions to stay that do not involve

[1] Terminal Railroad Association of St. Louis, which, according to WBRY, leases the Line to WBRY, has filed a verified notice of exemption to abandon the Line. *See Terminal R.R. Ass'n of St. Louis—Aban. Exemption—in St. Louis Cnty., Mo.,* AB 122 (Sub-No. 2X) (STB served Aug. 16, 2021) (86 FR 45,796).

[2] Persons interested in submitting an OFA to subsidize continued rail service must first file a formal expression of intent to file an offer, indicating the intent to file an OFA for subsidy and demonstrating that they are preliminarily financially responsible. *See* 49 CFR 1152.27(c)(2)(i).

environmental issues and formal expressions of intent to file an OFA to subsidize continued rail service under 49 CFR 1152.27(c)(2)[3] must be filed by September 3, 2021.[4] Petitions for reconsideration must be filed by September 13, 2021.

All pleadings, referring to Docket No. AB 1318X, should be filed with the Surface Transportation Board via e-filing on the Board's website. A copy of any petition filed with Board should be sent to WBRY's representative, Audrey Lane Brodrick, Fletcher & Sippel LLC, 29 North Wacker Drive, Suite 800, Chicago, IL 60606.

If the verified notice contains false or misleading information, the exemption is void ab initio.

Board decisions and notices are available at *www.stb.gov.*

Decided: August 17, 2021.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.

Kenyatta Clay,

Clearance Clerk.

[FR Doc. 2021–18154 Filed 8–23–21; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2019–0074]

Request for Information Concerning Preservation of Records

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice; request for information.

SUMMARY: FMCSA requests information to assist FMCSA in reviewing records retention requirements in Part 379 of the Federal Motor Carrier Safety Regulations (FMCSRs).

DATES: Comments must be received on or before September 23, 2021.

ADDRESSES: You may submit comments identified by Docket Number FMCSA–2019–0074 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *https://www.regulations.gov/docket/FMCSA-2019-0074/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, 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.
- *Fax:* (202) 493–2251.
- *Submissions Containing Confidential Business Information (CBI):* Mr. Brian Dahlin, Chief, Regulatory Evaluation Division, 1200 New Jersey Avenue SE, Washington, DC 20590.

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: Ms. Pearlie Robinson, Driver and Carrier Operations, Office of Carrier, Driver, and Vehicle Safety Standards, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, (202) 366–4225, *MCPSD@dot.gov.* If you have questions on viewing or submitting material to the docket, contact Dockets Operations, (202) 366–9826.

SUPPLEMENTARY INFORMATION:

A. Submitting Comments

If you submit a comment, please include the docket number for this Request for Information (RFI) (FMCSA–2019–0074), 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-2019-0074/document,* click on this RFI, 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 RFI 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 RFI, 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 RFI. 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 comments, as well as any documents mentioned in this RFI as being available in the docket, go to *https://www.regulations.gov/docket/FMCSA-2019-0074/document* and choose the document to review. To view comments, click this RFI, 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

DOT posts comments received without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.transportation.gov/privacy.*

[3] The filing fee for OFAs can be found at 49 CFR 1002.2(f)(25).

[4] Because this is a discontinuance proceeding and not an abandonment, interim trail use/rail banking and public use conditions are not appropriate. Because there will be an environmental review during abandonment, this discontinuance does not require environmental review.

I. Background

The Secretary of Transportation has discretionary authority to prescribe the records required to be prepared or compiled by certain for-hire motor carriers and brokers subject to the commercial regulations implementing Title 49 U.S.C., subtitle IV, part B, including records related to movement of traffic and receipts and expenditures of money. 49 U.S.C. 14122(a). The Secretary may prescribe the time period during which operating, accounting, and financial records must be preserved by for-hire motor carriers and brokers subject to the reporting requirements. 49 U.S.C. 14122(c). In addition, some for-hire motor carriers (transporting either passengers or property) are required to submit annual financial reports under 49 U.S.C. 14123.

FMCSA's regulations include record retention requirements in several places. Appendix A to part 379 provides a generalized listing of retention times for records required to be prepared or compiled by certain for-hire motor carriers and brokers subject to the commercial regulations implementing Title 49 U.S.C., subtitle IV, part B. Parts 369 and 379 of the FMCSRs contain the regulations relating to annual reporting and preservation of records. Other parts of the FMCSRs contain specific record retention requirements for records pertinent to that part.

FMCSA's predecessor agency, the Interstate Commerce Commission, published a final rule on March 18, 1985, (50 FR 10774) which created ''Note A'' to be applied to certain records listed in Appendix A. The note is codified at the end of Appendix A to part 379 and is listed as the applicable ''Retention Period'' for several items and categories of records on the table in Appendix A. Note A indicates that the records so referenced shall be maintained as determined by the designated records supervisory official for the company. It further states that companies should be aware of other regulatory agencies' record retention requirements and exercise reasonable care in choosing retention periods which reflect past experiences, company needs, pending litigation, and regulatory requirements.

Only a few of the FMCSRs refer to the record-keeping requirements in 49 CFR part 379 as the basis for retention requirements. FMCSA requests comments providing information on the necessity and appropriateness of these references and links described below:

1. Title 49 CFR part 369 contains regulations governing the reporting requirements for motor carriers under the authority of 49 U.S.C. 14123(a). Those reporting requirements are now very minimal. Only large for-hire motor carriers of property and large for-hire motor carriers of passengers are subject to the annual report provisions. See 49 CFR 369.1–369.4. The records necessary to support these reporting requirements are specified in 49 CFR 369.5: ''Books, records and carrier operating documents shall be retained as prescribed in 49 CFR part 379, Preservation of Records.''

2. Regulations found in 49 CFR part 373 govern the issuance of bills of lading and freight or expense bills by for-hire motor carriers to shipper and receivers. With some exceptions, for-hire carriers are required to issue bills of lading with certain specified information, such as receipts for property being transported as required by the Carmack Amendment, 49 U.S.C. 14706. 49 CFR 373.101. A record of the information on the bill of lading is required to be kept in accordance with part 379. Property carriers are also required to issue freight or expense bills with specified information, and to retain copies of such documents in accordance with part 379, 49 CFR 373.103(a). For-hire motor carriers of property may enter into written agreements with shippers to waive any of these requirements, 49 U.S.C. 14101(b)(1).

Part 373 also includes requirements applicable to for-hire passenger carriers to issue an expense bill for charter service, and to retain copies of such documents in accordance with part 379, 49 CFR 373.103(b).

II. Request for Public Comments

FMCSA requests comments on recordkeeping activities associated with Appendix A to part 379 and responses to the questions below.

General Question: Records Retention

1. If other Federal or State entities have record retention requirements for similar or the same records, what type of records are they, how long are you required to retain them, and which Federal or State entities require them?

You may find it useful, when answering this question, to submit your responses in a table format. If you wish to do so, go to the docket FMCSA–2019–0074 at *Regulations.gov* and fill out and submit the table as part of your comment to this RFI. This table may be found in the supporting materials for the docket and includes current FMCSA existing recordkeeping requirements in Part 379 and those under consideration. Information can be added to each requirement concerning whether other agencies collect this information from you and for how long they request retention.

Retention Times

2. How long do you hold each of the records listed in Appendix A that are subject to Note A now?

3. Do you hold them that long ONLY because of the requirement in Appendix A?

If yes, how long would you hold them in the ordinary course of business regardless of the Appendix A requirement?

Numbers and Costs of Records Retention

4. For each category of records maintained for FMCSA, how many records do you maintain, *e.g.,* how many physical pages/volumes of electronic information do you retain? How many and which categories of records are also subject to the requirements of another regulatory entity?

5. Can you provide an estimate for how much it costs to store each category of records per year? Does this cost reflect retaining paper records, electronic records, or both?

Note A

6. Should any of the items listed in Appendix A that do not refer to Note A be modified to adopt Note A?

7. As Note A does not provide a specific retention period, should those items remain in Appendix A or be removed?

8. Is it helpful to retain Note A? Why or why not?

Issued under authority delegated in 49 CFR 1.87.

Meera Joshi,

Deputy Administrator.

[FR Doc. 2021–18169 Filed 8–23–21; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

[FTA Docket No. FTA 2021–0007]

Agency Information Collection Activity Under OMB Review

AGENCY: Federal Transit Administration, DOT.

ACTION: Notice of request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, this notice announces that the Information Collection Requirements (ICRs) abstracted below have been forwarded to the Office of Management and Budget (OMB) for review and comment. The

ICR describe the nature of the information collection and their expected burdens.

DATES: Comments must be submitted on or before September 23, 2021.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

Comments are Invited On: 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. A comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication of this notice in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Tia Swain, Office of Administration, Management Planning Division, 1200 New Jersey Avenue SE, Mail Stop TAD–10, Washington, DC 20590, (202) 366–0354 or *tia.swain@dot.gov.*

SUPPLEMENTARY INFORMATION: The Paperwork Reduction Act of 1995 (PRA), Public Law 104–13, Section 2, 109 Stat. 163 (1995) (codified as revised at 44 U.S.C. 3501–3520), and its implementing regulations, 5 CFR part 1320, require Federal agencies to issue two notices seeking public comment on information collection activities before OMB may approve paperwork packages. 44 U.S.C. 3506, 3507; 5 CFR 1320.5, 1320.8(d)(1), 1320.12. On May 28, 2021 FTA published a 60-day notice (86 FR 16442) in the **Federal Register** soliciting comments on the ICR that the agency was seeking OMB approval. FTA received no comments after issuing this 60-day notice. Accordingly, DOT announces that these information collection activities have been re-evaluated and certified under 5 CFR 1320.5(a) and forwarded to OMB for review and approval pursuant to 5 CFR 1320.12(c).

Before OMB decides whether to approve these proposed collections of information, it must provide 30 days for public comment. 44 U.S.C. 3507(b); 5 CFR 1320.12(d). Federal law requires OMB to approve or disapprove paperwork packages between 30 and 60 days after the 30-day notice is published. 44 U.S.C. 3507 (b)–(c); 5 CFR 1320.12(d); *see also* 60 FR 44978, 44983, Aug. 29, 1995. OMB believes that the 30-day notice informs the regulated community to file relevant comments and affords the agency adequate time to digest public comments before it renders a decision. 60 FR 44983, Aug. 29, 1995. Therefore, respondents should submit their respective comments to OMB within 30 days of publication to best ensure having their full effect. 5 CFR 1320.12(c); *see also* 60 FR 44983, Aug. 29, 1995.

The summaries below describe the nature of the information collection requirements (ICRs) and the expected burden. The requirements are being submitted for clearance by OMB as required by the PRA.

Title: Survey of FTA Stakeholders.

OMB Control Number: 2132–0564.

Type of Request: Renewal with revisions of a previously approved information collection.

Abstract: Executive Order 12862, ''Streamlining Service Delivery and Improving Customer Service,'' requires FTA to identify its stakeholders and address how the agency will provide services in a manner that seeks to streamline service delivery and improve the experience of its customers. FTA is seeking a three-year approval for an existing information collection with revisions. Changes in methodology will improve the quality of stakeholder feedback, and non-substantive changes to the survey instrument will more accurately assess the data collected from from transit agencies, states and metropolitan planning organizations. FTA will utilize the survey to assess how its services are perceived by its customers, learn about opportunities for improvement and establish goals to measure results. The data captured from the survey will provide this information and enable FTA to make improvements where necessary. The survey will be limited to data collections that solicit voluntary opinions and will not involve information that is required by regulations. The estimated number of respondents is 6,454, an increase of 5,266 respondents from the previous request of 1,188 respondents. There is an increase in the number of respondents due to FTA's efforts to expand outreach to a broader cross-section of FTA stakeholders. Respondents are split into two groups. Group A includes Chief Executive Officers (CEOs) and other executive leaders of transit agencies, state DOTs, and other FTA stakeholders. Group B includes unit supervisors and professional staff such as engineers, urban planners and budget analysts from the same organizations. The previous IC only targeted respondents in Group A. The current IC targets respondents in both Group A and Group B. To further expand stakeholder outreach, FTA accessed an additional database, and allowed multiple respondents to submit responses from a single organization. Previously, since only CEOs or other top executive leader of an organization responded, there could be only one response per organization because there is only one top executive leader per organization.

However, the expansion of the target population to other labor categories allows multiple people from the same organization to respond to the survey (CEO, engineer, urban planner, etc.). There is a decrease in the estimated annual total burden hours, despite the increase in number of respondents, in large part because FTA found that respondents spent less time interacting with the previous survey than estimated. In addition to stakeholder outreach outlined in #8 above, in 2019, FTA utilized survey analytics to appropriately determine the amount of time spent filling out the survey.

Respondents: Transit agencies, States, and Metropolitan Planning Organizations.

Estimated Annual Burden on Respondents: 6,454.

Estimated Annual Number of Responses: 6,454.

Estimated Total Annual Burden: 807.

Frequency: Biennial.

Nadine Pembleton,

Director, Office of Management Planning.

[FR Doc. 2021–18206 Filed 8–23–21; 8:45 am]

BILLING CODE 4910–57–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Extension of Information Collection Request Submitted for Public Comment; Comment Request on Burden Related to Form 911, Request for Taxpayer Advocate Service Assistance (and Application for Taxpayer Assistance Order)

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden,

invites the public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the IRS is soliciting comments concerning the burden related to Form 911, *Request for Taxpayer Advocate Service Assistance (And Application for Taxpayer Assistance Order).*

DATES: Written comments should be received on or before October 25, 2021 to be assured of consideration.

ADDRESSES: Direct all written comments to Kinna Brewington, Internal Revenue Service, Room 6529, 1111 Constitution Avenue NW, Washington, DC 20224. Requests for additional information or copies of the regulations should be directed to R. Joseph Durbala, at Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet, at *RJoseph.Durbala@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Request for Taxpayer Advocate Service Assistance (And Application for Taxpayer Assistance Order).

OMB Number: 1545–1504.

Regulation Project Number: Form 911 and 911(SP).

Abstract: Form 911 is used by taxpayers to apply for relief from a significant hardship which may have already occurred or is about to occur if the IRS takes or fails to take certain actions. This form is submitted to the IRS Taxpayer Advocate Office in the district where the taxpayer resides.

Current Actions: There is no change to the burden previously approved.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households, business or other for-profit organizations, not-for-profit institutions, farms, and state, local or tribal governments.

Estimated Number of Responses: 93,000.

Estimated Time per Respondent: 30 minutes.

Estimated Total Annual Burden Hours: 46,500.

The following paragraph applies to all the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number.

Books or records relating to a collection of information must be retained if their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Desired Focus of Comments: The Internal Revenue Service (IRS) is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility.
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* by permitting electronic submissions of responses.

Comments submitted in response to this notice will be summarized and/or included in the ICR for OMB approval of the extension of the information collection; they will also become a matter of public record.

Approved: August 19, 2021.

Ronald J. Durbala,

IRS Tax Analyst.

[FR Doc. 2021–18199 Filed 8–23–21; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Extension of Information Collection Request Submitted for Public Comment; Comment Request on Burden Related to Rules Relating to Registration Under Section 4101

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the IRS is soliciting comments concerning information collection requirements related to the rules relating to registration under section 4101.

DATES: Written comments should be received on or before October 25, 2021 to be assured of consideration.

ADDRESSES: Direct all written comments to Kinna Brewington, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW, Washington, DC 20224. Requests for additional information or copies of the regulations should be directed to R. Joseph Durbala, at Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet, at *RJoseph.Durbala@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Taxable Fuel; registration.

OMB Number: 1545–0725.

Form Number: 928.

Abstract: Under IRC section 4101(b) Secretary may require, as a condition of registration under 4101(a), that the applicant give a bond in an amount that the Secretary determines is appropriate. Applicant's that do not meet all the applicable registration tests for Form 637 registration must secure a federal bond, from an acceptable surety or reinsurer listed in Circular 570, prior to receiving a Form 637 registration under section 4101. Form 928 is used for this purpose.

Current Actions: There is no change to the burden previously approved.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 500.

Estimated Time per Respondent: 2.56 hours.

Estimated Total Annual Burden Hours: 1,280.

The following paragraph applies to all the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number.

Books or records relating to a collection of information must be retained if their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Desired Focus of Comments: The Internal Revenue Service (IRS) is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the

functions of the agency, including whether the information will have practical utility.

• Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

• Enhance the quality, utility, and clarity of the information to be collected; and

• Minimize the burden of the collection of information on those who are to respond, including using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* by permitting electronic submissions of responses.

Comments submitted in response to this notice will be summarized and/or included in the ICR for OMB approval of the extension of the information collection; they will also become a matter of public record.

Approved: August 18, 2021.

R. Joseph Durbala,

IRS Tax Analyst.

[FR Doc. 2021–18177 Filed 8–23–21; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Extension of Information Collection Request Submitted for Public Comment; Comment Request on Burden Related to the Limitations on Passive Activity Losses and Credits

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the IRS is soliciting comments concerning the burden related to the limitations on passive activity losses and credits and the treatment of self-charged items of income and expense.

DATES: Written comments should be received on or before October 25, 2021 to be assured of consideration.

ADDRESSES: Direct all written comments to Kinna Brewington, Internal Revenue Service, Room 6529, 1111 Constitution Avenue NW, Washington, DC 20224. Requests for additional information or copies of the regulations should be directed to R. Joseph Durbala, at Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet, at *RJoseph.Durbala@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Limitations on Passive Activity Losses and Credits—Treatment of Self-charged Items of Income and Expense.

OMB Number: 1545–1244.

Regulation Project Number: TD 9013.

Abstract: Regulation section 1.469–7(g) permits entities to elect to avoid application of section 1.469–7 in the event the passthrough entity chooses to not have the income from lending transactions with owners of interests in the entity recharacterized as passive activity gross income. The IRS will use this information to determine whether the entity has made a proper timely election and to determine that taxpayers are complying with the election in the taxable year of the election and subsequent taxable years.

Current Actions: There is no change to the burden previously approved.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households and Business or other for-profit.

Estimated Number of Responses: 1,000.

Estimated Time per Respondent: 6 minutes.

Estimated Total Annual Burden Hours: 100.

The following paragraph applies to all the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number.

Books or records relating to a collection of information must be retained if their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Desired Focus of Comments: The Internal Revenue Service (IRS) is particularly interested in comments that:

• Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

• Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

• Enhance the quality, utility, and clarity of the information to be collected; and

• Minimize the burden of the collection of information on those who are to respond, including using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* by permitting electronic submissions of responses.

Comments submitted in response to this notice will be summarized and/or included in the ICR for OMB approval of the extension of the information collection; they will also become a matter of public record.

Approved: August 19, 2021.

Ronald J. Durbala,

IRS Tax Analyst.

[FR Doc. 2021–18174 Filed 8–23–21; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Forms 943, 943–PR, 943–A, 943A–PR and 943 (Schedule R)

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service (IRS), as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on information collections, as required by the Paperwork Reduction Act of 1995. The IRS is soliciting comments concerning Form 943, Employer's Annual Tax Return for Agricultural Employees, 943–PR, Planilla Para La Declarcion Annual De La Contribucion Federal Del Patrono De Empleados Agricolas, 943–A, Agricultural Employer's Record of Federal Tax Liability, 943A–PR, Registro De La Obligacion Contributiva Del Patrono Agricola, and 943 (Schedule R), Allocation Schedule for Aggregate Form 943 Filers.

DATES: Written comments should be received on or before October 25, 2021 to be assured of consideration.

ADDRESSES: Direct all written comments to Kinna Brewington, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the forms and instructions should be directed to Martha R. Brinson, at (202) 317–5753, or at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet at *Martha.R.Brinson@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Forms 943, Employer's Annual Tax Return for Agricultural Employees, 943–PR, Planilla Para La Declarcion Annual De La Contribucion Federal Del Patrono De Empleados Agricolas, 943–A, Agricultural Employer's Record of Federal Tax Liability, 943A–PR, Registro De La Obligacion Contributiva Del Patrono Agricola, and 943 (Schedule R), Allocation Schedule for Aggregate Form 943 Filers.

OMB Number: 1545–0035.

Form Numbers: 943, 943–PR, 943–A, 943A–PR, and 943 (Schedule R).

Abstract: Agricultural employers must prepare and file Form 943 and Form 943–PR (Puerto Rico only) to report and pay FICA taxes and income tax voluntarily withheld (Form 943 only). Agricultural employees may attach Forms 943–A and 943A–PR to Forms 943 and 943–PR to show their tax liabilities for semiweekly periods. The information is used to verify that the correct tax has been paid. Form 943 (Schedule R) allows (1) an agent appointed by an employer or payer or (2) a customer who enters into a contract that meets the requirements under 7705(e)(2) or (3) a client who enters into a service agreement described under Regulations section 31.3504–2(b)(2) with a Certified Professional Employer Organization, to allocate information reported on Form 943 to each client.

Current Actions: There are no changes being made to the forms at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for profit organizations.

Estimated Number of Respondents: 965,698.

Estimated Time per Respondent: 14hrs., 1min.

Estimated Total Annual Burden Hours: 13,533,994.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. Comments will be of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information has practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: August 17, 2021.

Martha R. Brinson,

Tax Analyst.

[FR Doc. 2021–18176 Filed 8–23–21; 8:45 am]

BILLING CODE 4830–01–P

U.S.-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION

Notice of Open Public Hearing

AGENCY: U.S.-China Economic and Security Review Commission.

ACTION: Notice of open public hearing.

SUMMARY: Notice is hereby given of the following hearing of the U.S.-China Economic and Security Review Commission. The Commission is mandated by Congress to investigate, assess, and report to Congress annually on ''the national security implications of the economic relationship between the United States and the People's Republic of China.'' Pursuant to this mandate, the Commission will hold a public hearing in Washington, DC on September 8, 2021 on ''U.S.-China Relations in 2021: Emerging Risks.''

DATES: The hearing is scheduled for Wednesday, September 8, 2021, 9:00 a.m.

ADDRESSES: This hearing will be held with panelists and Commissioners participating in-person or online via videoconference. Members of the audience will be able to view a live webcast via the Commission's website at *www.uscc.gov.* Also, please check the Commission's website for possible changes to the hearing schedule. *Reservations are not required to attend the hearing.*

FOR FURTHER INFORMATION CONTACT: Any member of the public seeking further information concerning the hearing should contact Jameson Cunningham, 444 North Capitol Street NW, Suite 602, Washington, DC 20001; telephone: 202–624–1496, or via email at *jcunningham@uscc.gov*. *Reservations are not required to attend the hearing.*

ADA Accessibility: For questions about the accessibility of the event or to request an accommodation, please contact Jameson Cunningham via email at *jcunningham@uscc.gov*. Requests for an accommodation should be made as soon as possible, and at least five business days prior to the event.

SUPPLEMENTARY INFORMATION:

Background: This is the seventh public hearing the Commission will hold during its 2021 report cycle. The hearing will start with an assessment of changes in Hong Kong's legal system, media, and special designation under U.S. trade practices. Next, the hearing will explore the Chinese government's increased regulation of markets and data, including new measures affecting foreign-listed Chinese companies and implications for U.S. investors. The last panel will address the current status of U.S. foreign investment review and export control reforms.

The hearing will be co-chaired by Vice Chairman Robin Cleveland and Commissioner Kimberly Glas. Any interested party may file a written statement by September 8, 2021 by transmitting to the contact above. A portion of the hearing will include a question and answer period between the Commissioners and the witnesses.

Authority: Congress created the U.S.-China Economic and Security Review Commission in 2000 in the National Defense Authorization Act (Pub. L. 106–398), as amended by Division P of the Consolidated Appropriations Resolution, 2003 (Pub. L. 108–7), as amended by Public Law 109–108 (November 22, 2005), as amended by Public Law 113–291 (December 19, 2014).

Date: August 18, 2021.

Daniel W. Peck,

Executive Director, U.S.-China Economic and Security Review Commission.

[FR Doc. 2021–18214 Filed 8–23–21; 8:45 am]

BILLING CODE 1137–00–P

DEPARTMENT OF VETERANS AFFAIRS

Veteran Listening Sessions on Advancing Racial Equity and Support for Underserved Communities Through the Federal Government

AGENCY: Department of Veterans Affairs.

ACTION: Announcement for public meetings.

SUMMARY: The Veterans Health Administration (VHA) will conduct 55 virtual Diversity, Equity, and Inclusion (DE&I) listening sessions for Veterans August–September 2021 on Advancing Racial Equity and Support for Underserved Communities through the Federal Government.

DATES: The Department of Veterans Affairs (VA) will execute 48 site-specific virtual listening sessions. Below are the dates and locations, which may be adjusted due to ongoing developments with COVID–19:

- August 16–17, 2021—San Francisco VA Health Care System (San Francisco, CA)
- August 19, 2021—VA Northern California Health Care System (Sacramento, CA)
- August 23–24, 2021—Kansas City VA Medical Center (Kansas City, MO)
- August 26, 2021—Jack C. Montgomery Medical Center (Tulsa, OK)
- September 13–14, 2021—Charlie Norwood Medical Center (Augusta, GA)
- September 15–16, 2021—Robley Rex VA Medical Center (Louisville, KY)
- September 20–21, 2021—Hampton VA Medical Center (Hampton, VA)
- September 22–23, 2021—Baltimore VA Medical Center (Baltimore, MD)

FOR FURTHER INFORMATION CONTACT: Elizabeth Andringa, Office of Healthcare Transformation (Mail code 10T), 810 Vermont Avenue NW, Washington, DC 20420, 727–409–1293. (This is not a toll-free telephone number.)

SUPPLEMENTARY INFORMATION:

Background

On January 20, 2021, President Joseph R. Biden issued E.O. 13985 on Advancing Racial Equity and Support for Underserved Communities through the Federal Government.

Consultation With Interested Parties

Executive Order 13985 requires VA to consult with members of communities who have been historically underrepresented in the Federal Government and underserved by, or subject to discrimination in, Federal policies and programs.

The term ''underserved communities'' refers to populations sharing a particular characteristic, as well as geographic communities, that have been systematically denied a full opportunity to participate in aspects of economic, social, and civic life, such as Black, Latino, and Indigenous and Native American persons, Asian Americans and Pacific Islanders and other persons of color; members of religious minorities; lesbian, gay, bisexual, transgender, questioning/queer and related identities (LGBTQ+) persons; persons with disabilities; persons who live in rural areas; and persons otherwise adversely affected by persistent poverty or inequality.

VHA will execute listening sessions to gather feedback on:

- Veterans' experiences and perceptions related to Diversity, Equity & Inclusion (DE&I) at VA healthcare facilities.
- Ways Veterans feel they can be included.
- Barriers to effective healthcare for diverse Veteran populations.
- Unmet needs of diverse Veteran populations.

Comments received in response to this notice will be evaluated and, as appropriate, incorporated into VA's efforts to improve support to underserved communities.

Additional Registration Information

Individual registration: VA encourages individual registrations for those not affiliated with or representing a group, association or organization.

Group registration: Identification of the name of the group, association or organization should be indicated in your registration request. Due to virtual platform meeting limitations of WebEx and the statutory mandate that VA consult with certain entities, VA may select certain entities to speak or may limit the size of a group's registration to allow receipt of testimonies and/or technical remarks from a broad, diverse group of stakeholders. Oral comments, testimonies and/or technical remarks may be limited from a group, association or organization to no more than two (2) individuals representing the same group, association or organization. Efforts will be made to accommodate all attendees who wish to participate. However, VA will give priority to Veterans, family members, caregivers, survivors of underserved communities or their representatives who register before September 15, 2021, at 4 p.m. Eastern, and wish to provide oral comments, testimonies and/or technical remarks. The length of time allotted for all participants to provide oral comments, testimonies and/or technical remarks during the meeting will be no more than 60 minutes total and is subject to the number of participants selected to speak, to ensure time is allotted. There will be no opportunity for audio-visual presentations during the meeting.

Audio (For listening purposes only): Limited to the first 200 participants, on a first-come, first-served basis. Advanced registration is not required. Audio attendees will not be allowed to offer oral comments, testimonies and/or technical remarks as the line will be muted.

Note: Should it be necessary to cancel the meeting due to technical issues or other emergencies, VA will take available measures to notify registered participants.

Listening Session Agenda

- Welcome and Introduce Team—2 min
- Opening Remarks—VHA Senior Leader(s)—5 mins
- Open comment period—DE&I Facilitator(s)—48 mins
- Closing Remarks—VHA Senior Leader(s)—5 mins

Site-specific virtual listening sessions. Each location will execute six (6) virtual sessions on the dates scheduled above. Each session will be approximately 60 minutes. All sessions will be held virtually as a WebEx Event. The links to register are available at *www.va.gov/ormdi.* Advanced registration for individuals and groups is strongly encouraged. Individuals or groups who seek to speak must register by 72 hours before the start of each session. Speakers must virtually check-in one hour prior to the listening session to test WebEx access and resolve any technical issues. All other comments may be submitted in writing during the listening session. Target audiences are listed below and include Veterans, family members, caregivers, survivors, community leaders and partners, and other representatives who provide support to underserved communities:

- Session 1: Racial/ethnic minorities
- Session 2: LGBTQ+
- Session 3: Veterans with disabilities
- Session 4: Women Veterans
- Session 5: Religious minority Veterans and Veterans otherwise adversely affected by persistent inequality
- Session 6: Community partners

Virtual listening sessions for participants from all eight locations. General virtual listening sessions will be held on September 28 & 30, 2021, will be approximately 60 minutes each, and will target participants from the eight

locations listed above who were unable to attend the site-specific virtual sessions. The links to register are available at *www.va.gov/ormdi.*

Signing Authority: Denis McDonough, Secretary of Veterans Affairs, approved this document on August 17, 2021, and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs.

Jeffrey M. Martin,

Assistant Director, Office of Regulation Policy & Management, Office of the Secretary, Department of Veterans Affairs.

[FR Doc. 2021–18153 Filed 8–23–21; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0829]

Agency Information Collection Activity: Income and Asset Statement in Support of Claim for Pension or Parents' DIC (VA Form 21P–0969)

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: Veteran's Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before October 25, 2021.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov* or to Nancy J. Kessinger, Veterans Benefits Administration (20M33), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420 or email to *nancy.kessinger@va.gov.* Please refer to ''OMB Control No. 2900–0829'' in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Maribel Aponte, Office of Enterprise and Integration, Data Governance Analytics (008), 1717 H Street NW, Washington, DC 20006, (202) 266–4688 or email *maribel.aponte@va.gov.* Please refer to ''OMB Control No. 2900–0829'' in any correspondence.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Authority: 38 U.S.C. 1503, 38 U.S.C. 1543, and 38 U.S.C. 1315.

Title: Income and Asset Statement in Support of Claim for Pension or Parents' DIC (VA Form 21P–0969).

OMB Control Number: 2900–0829.

Type of Review: Extension of a currently approved collection.

Abstract: Under the authority of 38 U.S.C. 1503, 38 U.S.C. 1315, and 38 U.S.C. 1543, VA Form 21P–0969 will be used by claimants for VA Pension or Parents' Dependency and Indemnity Compensation (DIC) to provide information pertaining to income and assets to establish entitlement to Pension or Parents' DIC. This form will be completed only by those claimants who had income other than Social Security benefits during the calendar year before claiming benefits or who disposed of assets or have significant assets which may affect their entitlement to needs-based benefits.

Affected Public: Individuals and households.

Estimated Annual Burden: 31,250 hours.

Estimated Average Burden per Respondent: 25 minutes.

Frequency of Response: Once.

Estimated Number of Respondents: 75,000.

By direction of the Secretary.

Maribel Aponte,

VA PRA Clearance Officer, Office of Enterprise and Integration/Data Governance Analytics, Department of Veterans Affairs.

[FR Doc. 2021–18182 Filed 8–23–21; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0635]

Agency Information Collection Activity: Suspension of Monthly Check (VA Form 29–0759)

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: Veterans Benefits Administration, Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before October 25, 2021.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov* or to Nancy J. Kessinger, Veterans Benefits Administration (20M33), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420 or email to *nancy.kessinger@va.gov.* Please refer to ''OMB Control No. 2900–0635'' in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Maribel Aponte, Office of Enterprise and Integration, Data Governance Analytics (008), 1717 H Street NW, Washington, DC 20006, (202) 266–4688 or email *maribel.aponte@va.gov.* Please refer to ''OMB Control No. 2900–0635'' in any correspondence.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is

being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Authority: Public Law 104–13; 44 U.S.C. 3501–3521.

Title: Suspension of Monthly Check (VA Form 29–0759).

OMB Control Number: 2900–0635.

Type of Review: Extension of a currently approved collection.

Abstract: The form is used by the Department of Veterans Affairs to advise the beneficiary that his/her monthly check has been suspended. The information requested is authorized by law, 38 U.S.C. 1917.

Affected Public: Individuals and households.

Estimated Annual Burden: 83 hours.

Estimated Average Burden per Respondent: 10 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 500.

By direction of the Secretary.

Maribel Aponte,

VA PRA Clearance Officer, Office of Enterprise and Integration/Data Governance Analytics, Department of Veterans Affairs.

[FR Doc. 2021–18184 Filed 8–23–21; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0885]

Agency Information Collection Activity: Veteran Rapid Retraining Assistance Program (VRRAP) Approval

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: Veterans Benefits Administration, Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each revision of a previously approved collection, and allow 60 days for public comment in response to the notice.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before October 25, 2021.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov* or to Nancy J. Kessinger, Veterans Benefits Administration (20M33), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420 or email to *nancy.kessinger@va.gov.* Please refer to ''OMB Control No. 2900–0885'' in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Maribel Aponte, Office of Enterprise and Integration, Data Governance Analytics (008), 1717 H Street NW, Washington, DC 20006, (202) 266–4688 or email *maribel.aponte@va.gov.* Please refer to ''OMB Control No. 2900–0885'' in any correspondence.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Authority: Public Law 117–2 Section 8006 (HR 1319).

Title: Veteran Rapid Retraining Assistance Program (VRRAP) Approval.

OMB Control Number: 2900–0885.

Type of Review: Revision of a previously approved collection.

Abstract: VA Form 22–1990S will allow Veterans to apply for VRRAP benefits.

VA Form 22–10271 will allow current GI Bill educational institutions and VET TEC training providers to volunteer to participate in the VRRAP program by acknowledging that they understand and agree to the unique payment structure of VRRAP. The information collection will also allow them to list the programs they seek to have participate in VRRAP. VA employees will utilize the information provided by the applicant and the institutions, along with information residing in existing VA Information Technology systems, in order to make a determination as to whether or not the applicant meets the definition of an eligible Veteran and whether or not the program qualifies as specified in statute. Also, the information provided will be utilized to pay the institutions as agreed.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published at 86 FR 115 on June 17, 2021, page 32330.

Affected Public: Individuals and households.

Estimated Annual Burden: 3,250 hours.

Estimated Average Burden per Respondent: 25 minutes.

Frequency of Response: Once.

Estimated Number of Respondents: 18,750.

By direction of the Secretary.

Maribel Aponte,

VA PRA Clearance Officer, Office of Enterprise and Integration/Data Governance Analytics, Department of Veterans Affairs.

[FR Doc. 2021–18102 Filed 8–23–21; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0017]

Agency Information Collection Activity: VA Fiduciary's Account, Court Appointed Fiduciary's Account, Certificate of Balance on Deposit and Authority To Disclose Financial Record

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: Veteran's Benefits Administration (VBA), Department of

Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before October 25, 2021.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov* or to Nancy J. Kessinger, Veterans Benefits Administration (20M33), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420 or email to *nancy.kessinger@va.gov.* Please refer to ''OMB Control No. 2900–0017'' in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Maribel Aponte, Office of Enterprise and Integration, Data Governance Analytics (008), 1717 H Street NW, Washington, DC 20006, (202) 266–4688 or email *maribel.aponte@va.gov.* Please refer to ''OMB Control No. 2900–0017'' in any correspondence.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Authority: Public Law 108–454, 502–504; 38 U.S.C. 5502.

Title: VA Fiduciary's Account (VA Form 21P–4706b), Court Appointed Fiduciary's Account (VA Form 21P–4706c), Cert. of Bal. on Deposit and Auth. to Dis. Financial Record (21P–4718a).

OMB Control Number: 2900–0017.

Type of Review: Extension of a previously approved collection.

Abstract: VA Forms 21P–4706b, 21P–4706c, and 21P–4718a will be completed by VA-appointed fiduciaries of VA beneficiaries. The information will be used by VA fiduciary hub staff to determine whether an individual is an appropriate fiduciary and properly using and maintaining an accounting of the VA beneficiary's compensation or pension payments. VA continues to use the information provided on these forms in the oversight of VA-appointed fiduciaries.

Affected Public: Individuals and households.

Estimated Annual Burden: 17,720 hours.

Estimated Average Burden per Respondent: 20 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 53,159.

By direction of the Secretary.

Maribel Aponte,

VA PRA Clearance Officer, Office of Enterprise and Integration/Data Governance Analytics, Department of Veterans Affairs.

[FR Doc. 2021–18195 Filed 8–23–21; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0618]

Agency Information Collection Activity: Application by Insured Terminally Ill Person for Accelerated Benefit

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: Veterans Benefits Administration, Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before October 25, 2021.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov* or to Nancy J. Kessinger, Veterans Benefits Administration (20M33), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420 or email to *nancy.kessinger@va.gov.* Please refer to ''OMB Control No. 2900–0618'' in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Maribel Aponte, Office of Enterprise and Integration, Data Governance Analytics (008), 1717 H Street NW, Washington, DC 20006, (202) 266–4688 or email *maribel.aponte@va.gov.* Please refer to ''OMB Control No. 2900–0618'' in any correspondence.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Authority: Public Law 104–13; 44 U.S.C. 3501–3521.

Title: Application by Insured Terminally Ill Person for Accelerated Benefit Form SGLI 8284.

OMB Control Number: 2900–0618.

Type of Review: Extension of a currently approved collection.

Abstract: VA has amended regulations for the Servicemembers' Group Life Insurance (SGLI) and Veterans' Group Life Insurance (VGLI) programs to add accelerated death benefit (Accelerated Benefit) provisions that permit terminally ill policyholders access to the death benefits of their policies before they die. Traditionally, an individual purchases life insurance in order to safeguard his or her dependents against major financial loss due to his or her death. Life insurance serves to

replace the lost income of an insured and to provide for his or her final expenses. In recent years, the insurance industry has recognized the financial needs of terminally ill policyholders and has begun offering policies with accelerated benefit provisions. A recent statutory amendment (Section 302 of the Veterans Programs Enhancement Act of 1998, Pub. L. 105–368, 112 Stat. 3315, 3332–3333) added section 1980 to Title 38, United States Code, which extends an accelerated benefit option to terminally ill persons insured in the SGLI and VGLI programs. This form expired due to high volume of work and staffing changes.

Affected Public: Individuals and households.

Estimated Annual Burden: 40 hours.

Estimated Average Burden per Respondent: 12 minutes.

Frequency of Response: One-time.

Estimated Number of Respondents: 200.

By direction of the Secretary.

Maribel Aponte,

VA PRA Clearance Officer, Office of Enterprise and Integration/Data Governance Analytics, Department of Veterans Affairs.

[FR Doc. 2021–18116 Filed 8–23–21; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0161]

Agency Information Collection Activity: Medical Expense Report

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: Veteran's Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before October 25, 2021.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov* or to Nancy J. Kessinger, Veterans Benefits Administration (20M33), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420 or email to *nancy.kessinger@va.gov.* Please refer to ''OMB Control No. 2900–0161'' in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Maribel Aponte, Office of Enterprise and Integration, Data Governance Analytics (008), 1717 H Street NW, Washington, DC 20006, (202) 266–4688 or email *maribel.aponte@va.gov.* Please refer to ''OMB Control No. 2900–0161'' in any correspondence.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Authority: 38 U.S.C. 1503; 38 CFR 3.262, 3.271 & 3.272.

Title: Medical Expense Report (VA Form 21P–8416).

OMB Control Number: 2900–0161.

Type of Review: Extension of a currently approved collection.

Abstract: A claimant's eligibility for needs-based pension programs are determined in part by countable family income and certain deductible expenses. When a claimant is awarded compensation by another entity or government agency based on personal injury or death, the compensation is usually countable income for VA purposes (38 CFR 3.262(i)). However, medical, legal or other expenses incident to the injury or death, or incident to the collection or recovery of compensation, may be deducted from the amount of the award or settlement (38 CFR 3.271(g) and 3.272(g)). In these situations, VBA uses VA Form 21P–8416 *Medical Expense Report,* to gather information that is necessary to determine eligibility for income-based benefits and the rate payable; without this information, determination of eligibility would not be possible.

Affected Public: Individuals and households.

Estimated Annual Burden: 30,000 hours.

Estimated Average Burden per Respondent: 30 minutes.

Frequency of Response: Once.

Estimated Number of Respondents: 60,000.

By direction of the Secretary.

Maribel Aponte,

VA PRA Clearance Officer, Office of Enterprise and Integration/Data Governance Analytics, Department of Veterans Affairs.

[FR Doc. 2021–18104 Filed 8–23–21; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0034]

Agency Information Collection Activity Under OMB Review: Trainee Request for Leave (Chapter 31, Veteran Readiness and Employment)

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the Veterans Benefits Administration, Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and it includes the actual data collection instrument.

DATES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Refer to ''OMB Control No. 2900–0034.

FOR FURTHER INFORMATION CONTACT: Maribel Aponte, Office of Enterprise and Integration, Data Governance Analytics (008), 1717 H Street NW, Washington, DC 20006, (202) 266–4688 or email *maribel.aponte@va.gov.* Please refer to ''OMB Control No. 2900–0034'' in any correspondence.

SUPPLEMENTARY INFORMATION:

Authority: 38 U.S.C. 501(a) and 38 U.S.C. 3110.

Title: Trainee Request for Leave (Chapter 31, Veteran Readiness and Employment).

OMB Control Number: 2900–0034.

Type of Review: Reinstatement without change of a previously approved collection.

Abstract: VA Form 28–1905h is used to gather the necessary information to determine leaves of absence under 38 U.S.C. Chapter 31. Without this information, leaves of absence may not be granted under 38 U.S.C. 3110.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published at 86 FR 103 on June 1, 2021, pages 29360 and 29361.

Affected Public: Individuals or Households.

Estimated Annual Burden: 7,500 hours.

Estimated Average Burden per Respondent: 15 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 30,000.

By direction of the Secretary.

Maribel Aponte,

VA PRA Clearance Officer, Office of Enterprise and Integration, Data Governance Analytics, Department of Veterans Affairs.

[FR Doc. 2021–18183 Filed 8–23–21; 8:45 am]

BILLING CODE 8320–01–P

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