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Rules and Regulations

Federal Register
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DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Part 9

[Docket ID: FSA–2020–0006]

RIN 0503–AA71

Coronavirus Food Assistance Program 2; Producers of Sale-Based Commodities and Contract Producers

AGENCY: Office of the Secretary, Department of Agriculture (USDA).

ACTION: Final rule.

SUMMARY: This rule amends the Coronavirus Food Assistance Program 2 (CFAP 2) provisions related to assistance for producers of sales-based commodities and contract producers. This rule also announces the deadline for submitting CFAP 2 applications and clarifies general provisions related to equitable relief and refunds.

DATES:

Effective date: August 27, 2021.

Comment due date: With grass seed being added as an eligible crop under CFAP, we will consider comments on the information collection requirements under the Paperwork Reduction Act that we receive by: October 26, 2021.

ADDRESSES: We invite you to submit comments on the information collection requirements. You may submit comments by any of the following methods:

- *Federal eRulemaking Portal:* Go to: *www.regulations.gov* and search for Docket ID FSA–2020–0006. Follow the online instructions for submitting comments.
- *Mail, Hand-Delivery, or Courier:* Director, Safety Net Division, Farm Service Agency, U.S. Department of Agriculture, 1400 Independence Avenue SW, Stop 0510, Washington, DC 20250–0522. In your comment, specify the docket ID FS–2020–0006.

You may also send comments to the Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503.

Comments will be available for inspection online at *http://www.regulations.gov.* Copies of the information collection may be requested by contacting Brittany Ramsburg at the above address.

FOR FURTHER INFORMATION CONTACT: Kimberly Graham; telephone: (202) 720–6825; email: *Kimberly.Graham@usda.gov.* Persons with disabilities who require alternative means for communication should contact the USDA Target Center at (202) 720–2600 (voice) or (844) 433–2774 (toll-free nationwide).

SUPPLEMENTARY INFORMATION: USDA established CFAP to assist producers of agricultural commodities marketed in 2020 who faced continuing market disruptions, reduced farm-level prices, and increased production and marketing costs due to COVID–19. CFAP went through two rounds of payments (CFAP 1 and CFAP 2), and the Farm Service Agency (FSA) is administering CFAP 2, as directed by the Secretary of Agriculture. USDA announced CFAP 2 through a final rule published in the **Federal Register** on September 22, 2020. 85 FR 59380–59388. A second final rule was published on January 19, 2021. 86 FR 4877–4883. That rule amended CFAP 2 provisions and included assistance for contract producers of swine and poultry (including broilers, pullets, layers, chicken eggs, and turkeys), who were not originally eligible for CFAP 2. After publication of that rule, USDA suspended approval of applications from contract producers while that final rule was under review.

As a result of that review and for consistency with the provisions of the Consolidated Appropriations Act, 2021 (CAA), Public Law 116–260, USDA is making changes to the provisions for CFAP 2 as described below. These changes include adjusting the CFAP 2 application deadline, changing the calculation of payments for sales-based commodities, adding grass seed as an eligible sales-based commodity, changing aspects of the provisions for assistance for contract producers, and clarifying the applicability of equitable relief provisions and provisions requiring refunds.

Application Deadline

On March 24, 2021, USDA announced in a news release that the application period for CFAP 2 was reopened for all eligible producers for at least 60 days beginning on April 5, 2021. This reopening allowed USDA to improve outreach efforts and ensure that producers in socially disadvantaged communities were informed and aware of the application process. This rule announces that the CFAP 2 application deadline will be October 12, 2021, and amends 7 CFR 9.4 to specify the deadline. This deadline applies to all producers applying for CFAP 2, including producers of sales-based commodities and contract producers who submit new applications or revise previously filed applications due to the changes included in this rule.

Sales-Based Commodities

Consistent with section 751 of Subtitle B of Title VII of Division N of CAA, USDA is amending the CFAP 2 payment calculation for sales-based commodities in 7 CFR 9.203(i) and (j) to allow eligible producers to substitute 2018 sales for 2019 sales. Previously, payments for producers of sales-based commodities were based only on 2019 sales; however, various conditions occurring in 2019 could have adversely affected a producer's amount of sales and therefore their CFAP 2 payment. CFAP 2 uses a producer's 2019 sales as an approximation of what the producer would have expected to market in 2020, which could not be determined for most producers at the time of application. Under the final rule published on January 19, 2021, crop insurance indemnities under the Federal Crop Insurance Act, 7 U.S.C 1501–1524, and 2019 crop year payments under the Noninsured Crop Disaster Assistance Program (NAP) and Wildfires and Hurricanes Indemnity Program Plus (WHIP+), are included as eligible sales under 7 CFR 9.202(i) in addition to the amount of the producer's 2019 sales, as required by Subtitle B, section 751, of the CAA. That change is intended to more accurately represent what a producer would have expected to have marketed in 2020 by taking into account commodities that would have been available for marketing in 2019 but were lost due to natural events. However, crop insurance indemnities and NAP and WHIP+ program payments for a

crop are less than the full amount that a producer would have expected to receive for marketing the commodity if there was no loss. Giving producers the option to substitute 2018 sales (including 2018 crop insurance indemnities and 2018 crop year NAP and WHIP+ payments) for 2019 sales provides additional flexibility to producers who had reduced sales in 2019.

In addition, USDA has determined that producers of grass seed faced continuing market disruptions, low farm-level prices, and significant marketing costs associated with the COVID–19 outbreak, similar to producers of commodities that were previously determined to be eligible for CFAP 2 assistance. As a result, USDA is amending the definitions of ''Ineligible commodities'' and ''Sales-based commodities'' in § 9.201 to make grass seed an eligible commodity.

Contract Producers

The final rule published on January 19, 2021, added provisions to provide assistance for contract producers and specified that those payments would be issued with remaining funding authorized by the Coronavirus Aid, Relief, and Economic Security Act (CARES Act; Pub. L. 116–136). Contract producer payments were suspended before any CARES Act funding was used to fund those payments. Subtitle B, section 751, of the CAA specifically directs the Secretary to use not more than $1 billion of the additional funding provided under the CAA to make payments to contract producers of livestock and poultry to cover not more than 80 percent of their revenue losses, as determined by the Secretary of Agriculture, from January 1, 2020, through December 27, 2020. While CAA uses the term ''contract grower'' and the CFAP 2 regulation uses the term ''contract producer'' both terms refer to and mean the same people or entities; this rule uses the term ''contract producer,'' for consistency. Payments to contract producers will be funded as authorized by the CAA rather than the CARES Act.

This rule also amends the provisions for contract producers based on additional evaluation of CFAP 2 and stakeholder concerns related to the payment calculation. The previous final rule provided assistance for contract producers of broilers, pullets, layers, chicken eggs, turkeys, hogs, and pigs. After further review, USDA has determined that contract producers of ducks, geese, pheasants, and quail will also be eligible, including contract producers of eggs of all eligible poultry types. In addition to the listed livestock and poultry types, USDA may determine that additional livestock and poultry types are eligible at a later time. These changes are reflected in a new definition of ''eligible contract livestock or poultry'' in 7 CFR 9.201, in which USDA is also clarifying that contract producers of breeding stock of those defined eligible livestock and poultry are eligible for CFAP 2. Contract producers of breeding stock are included because those producers may have suffered a revenue loss for the livestock and poultry, regardless of the livestock owner's intended end use of the animals. This rule also amends the definition of ''producer'' in 7 CFR 9.201 to specify that the requirement that a producer must be in the business of farming at the time of application does not apply to contract producers because contract producers may have had contracts terminated for reasons outside of their control due to COVID–19.

The final rule published on January 19, 2021, specified that payments for contract producers would be based on a comparison of eligible revenue for the periods of January 1, 2019, through December 27, 2019, and January 1, 2020, through December 27, 2020. This rule amends the regulation in 7 CFR 9.202(b) and 9.203(l) to allow a contract producer to elect to use eligible revenue from the period of January 1, 2018, through December 27, 2018, in lieu of during that date range in 2019. This change is intended to provide flexibility and make the program more equitable for contract producers who had reduced revenue in 2019 compared to a normal year for their operation.

The payment calculation in the final rule published on January 19, 2021, specified that payments for contract producers would be equal to the eligible revenue received from January 1, 2019, through December 27, 2019, minus the eligible revenue received from January 1, 2020, through December 27, 2020, multiplied by 80 percent. In response to additional review and stakeholder concerns about certain situations when the original calculation would not accurately capture a contract producer's loss of eligible revenue due to COVID–19, this rule amends the regulation at 7 CFR 9.203(l)(4) to allow FSA to adjust a contract producer's eligible revenue based on information certified by the contract producer on supplemental form AD–3117B if a contract producer did not have a full period of revenue from January 1 to December 27 for either 2018 or 2019, or if the contract producer increased their operation size in 2020. Information required to calculate these adjustments includes a contract producer's square footage increase to the operation in 2020, or a contract producer's production or number of turns for 2018, 2019, or 2020, as applicable.

This rule also provides assistance in 7 CFR 9.202(d) and 9.203(m) to producers who were not in operation in 2018 or 2019, who would have been ineligible under the previous final rule. Assistance for these producers is based on their 2020 eligible revenue and the average revenue loss level, which will be determined by USDA for a geographic area based on the best available data including, but not limited to, losses reported by other contract producers for the same area and type of livestock or poultry as reported in their CFAP 2 applications.

This rule also specifies that payments to contract producers will be calculated separately for the categories of livestock listed in § 9.203(n). As provided in the previous final rule, payments to contract producers may be factored if total calculated payments exceed the available funding under 7 CFR 9.203(o).

Other Changes

This rule amends § 9.7(a) to address situations where FSA determines that the applicant intentionally misrepresented either the total amount or producer's share of the commodities, acres, sales, or revenue on their application. In those cases, the producer's application will be disapproved and the participant must refund the full payment to FSA with interest from the date of disbursement. This rule also amends § 9.7(b) to specify that the equitable relief provisions of 7 CFR part 718, subpart D, apply to CFAP determinations.

Notice and Comment, Effective Date, and Exemptions

The Administrative Procedure Act (APA), 5 U.S.C. 553(a)(2), provides that the notice-and-comment and 30-day delay in the effective date requirements do not apply when the rule involves specified actions, including matters relating to benefits. This rule governs CFAP for payments to certain commodity producers and therefore falls within the benefits exemption.

This rule is exempt from the regulatory analysis requirements of the Regulatory Flexibility Act (5 U.S.C. 601–612), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA). The requirements for the regulatory flexibility analysis in 5 U.S.C. 603 and 604 are specifically tied to the requirement for a proposed rule by section 553 or any other law; in

addition, the definition of rule in 5 U.S.C. 601 is tied to the publication of a proposed rule.

The Office of Management and Budget (OMB) designated this rule as major under the Congressional Review Act (CRA), as defined by 5 U.S.C. 804(2). Section 808 of the CRA allows an agency to make a major regulation effective immediately if the agency finds there is good cause to do so. The beneficiaries of this rule have been significantly impacted by the COVID–19 outbreak, which has resulted in significant declines in demand and market disruptions. USDA finds that notice and public procedure would be contrary to the public interest. Therefore, even though this rule is a major rule for purposes of the Congressional Review Act, USDA is not required to delay the effective date for 60 days from the date of publication to allow for Congressional review. Accordingly, this rule is effective upon publication in the **Federal Register**.

Executive Orders 12866 and 13563

Executive Order 12866, ''Regulatory Planning and Review,'' and Executive Order 13563, ''Improving Regulation and Regulatory Review,'' direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health, and safety effects; distributive impacts; and equity). Executive Order 13563 emphasized the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. The requirements in Executive Orders 12866 and 13563 for the analysis of costs and benefits apply to rules that are determined to be significant.

The Office of Management and Budget (OMB) designated this rule as economically significant under Executive Order 12866. Therefore, OMB has reviewed this rule.

The costs and benefits of this rule are summarized below. The full cost benefit analysis is available on *regulations.gov.*

Cost Benefit Analysis Summary

CFAP 1 and CFAP 2 assisted producers of agricultural commodities marketed in 2020 who faced continuing market disruptions, reduced farm-level prices, and increased production and marketing costs due to COVID–19. These additional costs are associated with declines in demand, surplus productions, or disruptions to shipping patterns and marketing channels.

In implementing these programs, additional assistance was deemed necessary. Subdivision B, section 751, of the CAA authorizes payments of up to 80 percent of contract producers' revenue loss and up to $1 billion in funding. To qualify for payment, a producer must demonstrate a drop in revenue (''revenue loss'') between 2019 and 2020. The producer can then choose their 2018 revenue in lieu of their 2019 revenue in the revenue loss calculation if their 2018 revenue is more representative of anticipated revenue in 2020. In addition, note that the CFAP Additional Assistance regulation, published on January 19, 2021, provided assistance to contract producers. CFAP Additional Assistance activity was paused in late January 2021. No payments were issued to contract producers under that regulation.

This rule and cost-benefit analysis use an 80 percent payment factor, the maximum allowed by the CAA, and apply it to the individual producer's actual 2019 to 2020 revenue change. Contract producer payments are highly uncertain and can depend on the number of animals received by the contractor and the price paid by the integrator to the contractor. The projections contained in this assessment provide an upper bound at over $1 billion. However, available evidence suggests that year-to-year differences in animal volume may moderate that estimate. Broiler and hog contract producers will receive the bulk of payments.

In contrast to assistance for contract producers, CAA provides authority for, but does not mandate, use of 2018 or 2019 revenue data in the calculation of payments for sales-based [1] commodities. This provision, included in this rule, ensures that farmers who had lower sales in 2019 than in 2018—for example, those unable to plant a 2019 crop—would not be penalized in the payment calculation. Fifty-two percent of sales-based applicants are projected to prefer the use of 2018 revenue data (relative to 2019 data) based on analysis of USDA cash receipts data. The expected cost associated with this change is estimated at $207 million.

Upon implementation of the CFAP 2 rule, FSA became aware that certain commodities had experienced COVID–19 market disruptions but had not been explicitly included in the initial CFAP 2 rule. For example, grass seed was not included in the initial CFAP 2 rule, but evidence indicates that production and revenue were significantly affected. This rule clarifies that grass seed is now an eligible sales-based commodity, the expected cost is $41 million.

FSA, which implemented CFAP 1 and 2, is implementing these three provisions. Producers must fill out paperwork to participate in these programs, and the associated administrative costs are estimated at $1.5 million for contract producers, $2.2 million for the use of 2018 versus 2019 revenue in the calculations for sales-based commodities, and $0.1 million for grass seed.

Environmental Review

The environmental impacts of this final rule have been considered in a manner consistent with the provisions of the National Environmental Policy Act (NEPA, 42 U.S.C. 4321–4347), the regulations of the Council on Environmental Quality (40 CFR parts 1500–1508), and because USDA will be making the payments to producers the USDA regulations for compliance with NEPA (7 CFR part 1b).

Although OMB has designated this rule as ''economically significant'' under Executive Order 12866, ''economic or social effects are not intended by themselves to require preparation of an environmental impact statement'' when not interrelated to natural or physical environmental effects (see 40 CFR 1502.16(b)). CFAP was designed to avoid skewing planting decisions. Producers continue to make their planting and production decisions with the market signals in mind, rather than any expectation of what a new USDA program might look like. The discretionary aspects of CFAP (for example, determining adjusted gross income (AGI) and payment limitations) were designed to be consistent with established USDA and the FSA administered programs and are not expected to have any impact on the human environment, as CFAP payments will only be made after the commodity has been produced. Accordingly, the following Categorical Exclusion in 7 CFR part 1b applies: § 1b.3(a)(2), which applies to activities that deal solely with the funding of programs, such as program budget proposals, disbursements, and the transfer or reprogramming of funds. As such, the implementation of and participation in CFAP do not constitute major Federal actions that would significantly affect the quality of the human environment. Therefore, an environmental assessment

[1] This category includes fruits, vegetables, and nuts; dry edible beans, lentils, dry edible peas, and chickpeas; and commodities including aquaculture, turkeys, mink, mohair, rabbits, and others. For more information, see the CFAP 2 cost-benefit assessment at: *https://www.farmers.gov/sites/default/files/documents/CFAP2-CBA-09252020.pdf.*

or environmental impact statement for this regulatory action will not be prepared; this rule serves as documentation of the programmatic environmental compliance decision for this Federal action.

Executive Order 12988

This rule has been reviewed under Executive Order 12988, ''Civil Justice Reform.'' This rule will not preempt State or local laws, regulations, or policies unless they represent an irreconcilable conflict with this rule. Before any judicial actions may be brought regarding the provisions of this rule, the administrative appeal provisions of 7 CFR parts 11 and 780 are to be exhausted.

Executive Order 13175

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

USDA has assessed the impact of this rule on Indian Tribes and determined that this rule does not, to our knowledge, have Tribal implications that required Tribal consultation under Executive Order 13175 at this time. If a Tribe requests consultation, the USDA Office of Tribal Relations (OTR) will ensure meaningful consultation is provided where changes, additions, and modifications are not expressly mandated by law. Outside of Tribal consultation, USDA is working with Tribes to provide information about CFAP additional assistance and other issues.

Unfunded Mandates

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

Federal Assistance Programs

The title and number of the Federal Domestic Assistance Program found in the Catalog of Federal Domestic Assistance to which this rule applies is 10.132—Coronavirus Food Assistance Program 2.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995, FSA is administering the information collection activities under a currently approved information collection request of OMB control number of 0560–0297. Thus, there are no required changes to the information collection request for FSA in providing assistance for contract producers of eligible contract livestock and poultry and to provide additional assistance for other commodities as described in this rule.

Additionally, the new information collection request for the eligible grass seed that will be included in the CFAP was submitted to OMB for emergency approval. FSA will collect and evaluate the application from the producers and other required paperwork. Following the 60-day public comment period provided by this rule, FSA intends to merge the burden hours associated with the new grass seed information collection request (ICR) into the main CFAP 2 ICR that is currently approved under OMB control number 0560–0297.

Title: CFAP 2.

OMB Control Number: 0560–New.

Type of Request: New Collection.

Abstract: This information collection is required to support CFAP 2 information collection activities to provide payments to eligible producers who, with respect to their agricultural commodities, have been impacted by the effects of the COVID–19 pandemic. The information collection is necessary to evaluate the application and other required paperwork for determining the producer's eligibility and assist in the producer's payment calculations.

For the following estimated total annual burden on respondents, the formula used to calculate the total burden hour is the estimated average time per response multiplied by the estimated total annual responses.

Estimate of Respondent Burden: Public reporting burden for this information collection is estimated to average 0.43 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed and completing and reviewing the collections of information.

Type of Respondents: Producers or farmers.

Estimated Annual Number of Respondents: 2,204.

Estimated Number of Responses per Respondent: 2.005.

Estimated Total Annual Responses: 4,419.

Estimated Average Time per Response: 0.43 hours.

Estimated Annual Burden on Respondents: 1,892 hours.

FSA is requesting comments on all aspects of this information collection to help us to:

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of FSA, including whether the information will have practical utility;

(2) Evaluate the accuracy of the FSA's estimate of burden including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

All comments received in response to this document, including names and addresses when provided, will be a matter of public record. Comments will be summarized and included in the submission for Office of Management and Budget approval.

USDA Non-Discrimination Policy

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family or parental status, income derived from a public assistance program, political

beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

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

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

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List of Subjects in 7 CFR Part 9

Agricultural commodities, Agriculture, Disaster assistance, Indemnity payments.

For the reasons discussed above, this final rule amends 7 CFR part 9 as follows:

PART 9—CORONAVIRUS FOOD ASSISTANCE PROGRAM

■ 1. The authority citation for part 9 continues to read as follows:

Authority: 15 U.S.C. 714b and 714c; Division B, Title I, Pub. L. 116–136, 134 Stat. 505; and Division N, Title VII, Subtitle B, Chapter 1, Pub. L. 116–260.

Subpart A—General Provisions

■ 2. Amend § 9.4 as follows:

■ a. Revise paragraphs (a)(1) and (2); and

■ b. Remove paragraph (a)(3).

The revisions read as follows:

§ 9.4 Time and method of application.

(a) * * *

(1) September 11, 2020, for payments issued under § 9.102; and

(2) October 12, 2021, for payments issued under § 9.203.

* * * * *

■ 3. Amend § 9.7 as follows:

■ a. Revise paragraph (a); and

■ b. In paragraph (b), remove the words ''in parts'' and add ''in part 718, subpart D, and parts'' in their place.

The revision reads as follows:

§ 9.7 Miscellaneous provisions.

(a) If a CFAP payment resulted from erroneous information provided by a participant, or any person acting on their behalf, the payment will be recalculated and the participant must refund any excess payment with interest calculated from the date of the disbursement of the payment.

(1) If FSA determines that the applicant intentionally misrepresented either the total amount or applicant's share of the commodities, acres, sales, or revenue on their application, the application will be disapproved and the applicant must refund the full payment to FSA with interest from the date of disbursement.

(2) Any required refunds must be resolved in accordance with part 3 of this title.

* * * * *

Subpart C—CFAP 2

■ 4. Amend § 9.201 as follows:

■ a. Add the definitions of ''Average revenue loss level'' and ''Eligible contract livestock or poultry'' in alphabetical order;

■ b. In the definition of ''Eligible revenue'', remove the words ''broilers, pullets, layers, chicken eggs, turkeys, hogs, or pigs'' and add the words ''eligible contract livestock or poultry'' in their place;

■ c. In the definition of ''Ineligible commodities'', remove the words ''ineligible crops'' and add the words ''ineligible crops other than grass seed'' in their place;

■ d. In the definition of ''Producer'', in the second sentence, remove the word ''Producers'' and add the words ''Except for contract producers, producers'' in its place;

■ e. In the definition of ''Sales-based commodities'', remove the words ''milk, mink (including pelts);'' and add the words ''milk, grass seed, mink (including pelts),'' in its place; and

■ f. Add the definition of ''Turn'' in alphabetical order.

The additions read as follows:

§ 9.201 Definitions.

* * * * *

Average revenue loss level means the average percentage of revenue loss for contract producers determined by USDA for a geographic area based on the best available data including, but not limited to, losses reported by contract producers for the same area and type of livestock or poultry.

* * * * *

Eligible contract livestock or poultry means broilers, pullets, layers, poultry eggs, turkeys, ducks, geese, pheasants, quail, hogs, pigs, and other livestock or poultry types determined eligible and announced by USDA, including breeding stock of those eligible livestock and poultry types.

* * * * *

Turn means a group of eligible contract livestock or poultry that is delivered to a contract producer who provides labor and equipment to produce the livestock or poultry for the integrator or owner.

* * * * *

■ 5. Amend § 9.202 by revising paragraphs (b)(1) through (3) and adding paragraphs (b)(4) and (d) to read as follows:

§ 9.202 Eligibility.

* * * * *

(b) * * *

(1) Produced eligible contract livestock or poultry under a contract in either the 2018 or 2019 calendar year and in the 2020 calendar year;

(2) Received revenue under such a contract during the period from January 1, 2020, through December 27, 2020;

(3) Had a loss in eligible revenue for the period from January 1, 2020, through December 27, 2020, as compared to the period from:

(i) January 1, 2018, through December 27, 2018; or

(ii) January 1, 2019, through December 27, 2019; and

(4) Meet all other requirements for eligibility under this part.

* * * * *

(d) Contract producers are eligible for payment under § 9.203(m) if they:

(1) Did not receive eligible revenue from January 1 through December 27 in 2018 or 2019, but received eligible revenue for the period from January 1, 2020, through December 27, 2020; and

(2) Meet all other requirements for eligibility under this part.

■ 6. Amend § 9.203 as follows:

■ a. Revise paragraph (i);

■ b. In Table 2 to paragraph (j), revise the first column heading;

■ c. Revise paragraph (l); and

■ d. Add paragraphs (m) through (o).

The revisions and additions read as follows:

§ 9.203 Calculation of payments.

* * * * *

(i) Payments for sales-based commodities will be:

(1) Based on one of the following as elected by the producer:

(i) The producer's sales for calendar year 2018 and crop insurance indemnities and NAP and WHIP+ payments for the 2018 crop year for all sales-based commodities; or

(ii) The producer's sales for calendar year 2019 and crop insurance indemnities and NAP and WHIP+ payments for the 2019 crop year for all sales-based commodities.

(2) Equal to the sum of the results for the following calculation for each sales range in Table 2 of paragraph (j) of this section:

(i) The sum of the amount of the producer's eligible sales for the sales-based commodities in the applicable calendar year and the producer's crop insurance indemnities and NAP and WHIP+ payments for the sales commodities for the applicable crop year within the specified range, multiplied by the payment rate for that range in Table 2 of paragraph (j) of this section.

(ii) Eligible sales only includes sales of raw commodities grown by the producer; the portion of sales derived from adding value to the commodity, such as processing and packaging, and from sales of products purchased for resale is not included in the payment calculation unless determined eligible by the Secretary.

(3) Payments for producers of sales commodities who began farming in 2020 and had no sales in 2019, calculated as provided in paragraph (i)(2) of this section, except that the payments will be based on the producer's actual 2020 sales, without crop insurance indemnities, NAP or WHIP+ payments, as of the date the producer submits an application for payment under this section.

(j) * * *

TABLE 2 TO PARAGRAPH (J)—PAYMENT RATES FOR SALES COMMODITIES

2018 or 2019 Sales range (including crop insurance indemnities and NAP and WHIP+ payments)	Percent payment factor
* * * * * * *	

* * * * *

(l) For eligible contract producers, if eligible revenue for the period from January 1, 2020, through December 27, 2020, decreased compared to eligible revenue for the period from January 1, 2018, through December 27, 2018, or the period from January 1, 2019, through December 27, 2019, then payments will be equal to:

(1) Eligible revenue received from January 1, 2018, through December 27, 2018, or from January 1, 2019, through December 27, 2019; minus

(2) Eligible revenue received from January 1, 2020, through December 27, 2020; multiplied by

(3) 80 percent.

(4) USDA will adjust the eligible revenue based on information certified by the contract producer on form AD–3117B for contract producers who did not have a full period of revenue from January 1 to December 27 for either 2018 or 2019, or who increased their operation size in 2020. Information required to calculate these adjustments may include a contract producer's square footage increase to the operation in 2020, or a contract producer's production or number of turns for 2018, 2019, or 2020, as applicable.

(m) For eligible contract producers who did not receive eligible revenue from January 1 through December 27 in 2018 or 2019, but received eligible revenue for the period from January 1, 2020, through December 27, 2020:

(1) FSA will divide the eligible revenue received from January 1, 2020, through December 27, 2020, by the result of 1 minus the average revenue loss level, determined by USDA for a geographic area based on the best available data including, but not limited to, losses reported by other contract producers for the same area and type of livestock or poultry; and

(2) The payment will be equal to:

(i) The result of the calculation in paragraph (m)(1) of this section minus the contract producer's eligible revenue received from January 1, 2020, through December 27, 2020; multiplied by

(ii) 80 percent.

(n) Payments under paragraphs (l) and (m) of this section and the average revenue loss levels under paragraph (m)(1) of this section will be calculated separately for the following categories:

(1) Chickens—broilers, pullets, and layers;

(2) Chicken eggs;

(3) Turkeys;

(4) Hogs and pigs;

(5) Ducks, geese, pheasants, quail; and

(6) All other eligible poultry eggs.

(o) The calculations in paragraphs (l) and (m) of this section are subject to the availability of funds and will be factored, if needed.

Gloria Montaño Greene,

Deputy Under Secretary, Farm Production and Conservation, U.S. Department of Agriculture.

[FR Doc. 2021–18423 Filed 8–26–21; 8:45 am]

BILLING CODE 3410–05–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2021–0075; Airspace Docket No. 21–ASO–2]

RIN 2120–AA66

Amendment of Class E Airspace; Muscle Shoals, AL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends Class E airspace extending upward from 700 feet above the surface in Muscle Shoals, AL, due to the decommissioning of the Muscle Shoals Very High Frequency Omni-Directional Radio Range Tactical Air Navigation Aid (VORTAC), and cancellation of the associated approach at Northwest Alabama Regional Airport. This action also updates the airport name under the Class E surface airspace and makes an editorial change replacing the term Airport/Facility Directory with the term Chart Supplement in the legal descriptions of associated Class E airspace. Controlled airspace is necessary for the safety and management of instrument flight rules (IFR) operations in the area.

DATES: Effective 0901 UTC, December 2, 2021. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

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

FOR FURTHER INFORMATION CONTACT: John Fornito, Operations Support Group, Eastern Service Center, Federal Aviation Administration, 1701 Columbia Ave., College Park, GA 30337; Telephone (404) 305–6364.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rule regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it amends Class E airspace at Northwest Alabama Regional Airport, Muscle Shoals, AL.

History

The FAA published a notice of proposed rulemaking in the **Federal Register** (86 FR 27329, May 20, 2021) for Docket No. FAA–2021–0075 to amend Class E airspace extending upward from 700 feet above the surface at Northwest Alabama Regional Airport, Muscle Shoals, AL. Also, the FAA proposed to update the airport name and replace the outdated term Airport/Facility Directory with the term Chart Supplement in the associated Class E airspace legal description for this airport.

Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. One comment was received supporting the airspace change.

Class E airspace designations are published in Paragraphs 6002 and 6005, respectively, of FAA Order 7400.11E, dated July 21, 2020, and effective September 15, 2020, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

Availability and Summary of Documents for Incorporation by Reference

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

The Rule

The FAA is amending 14 CFR part 71 by amending Class E airspace extending upward from 700 feet above the surface at Northwest Alabama Regional Airport, Muscle Shoals, AL, as the Muscle Shoals VORTAC has been decommissioned, and associated approaches cancelled. The radius of the airport is decreased from 7 miles to 6.8 miles, adding a 12.5-mile extension to the east and an 8.1-mile extension to the south. Also, the FAA updates the airport name to Northwest Alabama Regional Airport, (formerly Muscle Shoals Regional Airport) in both the Class E surface airspace and Class E airspace extending upward from 700 feet above the surface. In addition, the FAA is replacing the outdated term Airport/Facility Directory with the term Chart Supplement in the associated Class E airspace legal description for this airport.

These changes are necessary for continued safety and management of IFR operations in the area.

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

Regulatory Notices and Analyses

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

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures,'' paragraph 5–6.5a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

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

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

§ 71.1 [Amended]

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

Paragraph 6002 Class E Surface Airspace.

* * * * *

ASO AL E2 Muscle Shoals, AL [Amended]

Northwest Alabama Regional Airport, AL
(Lat. 34°44′43″ N, long. 87°36′37″ W)

That airspace extending upward from the surface within a 4.2-mile radius of Northwest Alabama Regional Airport. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

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

* * * * *

ASO AL E5 Muscle Shoals, AL [Amended]

Northwest Alabama Regional Airport, AL
(Lat. 34°44′43″ N, long. 87°36′37″ W)

That airspace extending upward from 700 feet or more above the surface within a 6.8-mile radius of Northwest Alabama Regional Airport, and within 3.7-miles each side of the 114° bearing from the airport, extending from the 6.8-mile radius to 12.5-miles east of the airport, and within 1.2-miles each side of the 181° bearing from the airport, extending from the 6.8-mile radius to 8.1-miles south of the airport.

Issued in College Park, Georgia, on August 23, 2021.

Matthew N. Cathcart,

Manager, Airspace & Procedures Team North, Eastern Service Center, Air Traffic Organization.

[FR Doc. 2021–18422 Filed 8–26–21; 8:45 am]

BILLING CODE 4910–13–P

SOCIAL SECURITY ADMINISTRATION

20 CFR Part 404

[Docket No. SSA–2021–0017]

RIN 0960–AI59

Removing the Waiting Period for Entitlement to Social Security Disability Insurance Benefits for Individuals With Amyotrophic Lateral Sclerosis

AGENCY: Social Security Administration (SSA).

ACTION: Final rule.

SUMMARY: In accordance with the ALS Disability Insurance Access Act of 2019, as amended, this final rule eliminates the 5-month waiting period for the Social Security Disability Insurance (SSDI) program for individuals with amyotrophic lateral sclerosis (ALS) who were approved for SSDI benefits on or after July 23, 2020.

DATES: This final rule is effective August 27, 2021.

FOR FURTHER INFORMATION CONTACT: Mary Quatroche, Director, Office of Vocational, Evaluation and Process Policy, Office of Disability Policy, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235–6401, (410) 966–4794. For information on eligibility or filing for benefits, call our national toll-free number, 1–800–772–1213 or TTY 1–800–325–0778, or visit our internet site, Social Security Online, at *http://www.socialsecurity.gov.*

SUPPLEMENTARY INFORMATION:

Background

Under the SSDI program, individuals who have been found to be disabled are subject to a 5-month waiting period before they are entitled to their first payment. The waiting period begins with the first full month the individual meets all the eligibility factors covered by the application and ends 5 months after that date. Subject to some exceptions, the disabled individual is entitled to begin receiving payments beginning with the first full calendar month after the waiting period in which all other requirements are met.[1]

The waiting period cannot begin more than 17 months before the month in which the individual files an application for SSDI and meets the disability insured status requirements.[2] As an example, consider an individual whose disability began on April 2, 2020, based on an application for SSDI benefits filed on May 2, 2020. If approved for SSDI, the individual's 5-month waiting period would begin in May 2020 and end in September 2020, and the individual would be entitled to benefits beginning with October 2020 (that is, the first full month after completion of the waiting period).

On December 22, 2020, the President signed into law the ALS Disability Insurance Access Act of 2019 (ALS Act),[3] and on March 23, 2021, the President signed into law an act to make a technical correction to the ALS Act.[4] Commonly known as Lou Gehrig's disease, ALS is a progressive neurodegenerative disease that affects nerve cells in the brain and spinal cord. There is no known cure for ALS.[5] Before the enactment of the ALS Act, individuals with ALS were subject to the 5-month waiting period for receiving SSDI benefits. The ALS Act eliminated the 5-month waiting period for individuals who have been medically determined to have ALS.

The ALS Act originally applied to individuals with ALS who filed an application for SSDI benefits on or after December 23, 2020.[6] The technical correction to the ALS Act amended the effective date of the law. Under the technical correction, the elimination of the 5-month waiting period applies to individuals with ALS whose applications for SSDI benefits were approved after the date that is 5 months before the date of enactment of the ALS Act on December 22, 2020. In practical terms, this means the elimination of the 5-month waiting period applies to individuals with ALS whose applications for SSDI benefits were approved on or after July 23, 2020.

Explanation of Changes

To ensure our regulations reflect the provisions of the ALS Act, as amended, we have added language in 20 CFR 404.315 to eliminate the 5-month waiting period for individuals with ALS whose applications for SSDI benefits were approved on or after July 23, 2020. We also added language to 20 CFR 404.317 to reflect this change in the law due to the ALS Act. We are making no other changes to our regulations.

Regulatory Procedures

We follow the Administrative Procedure Act (APA) rulemaking procedures specified in 5 U.S.C. 553 when we develop regulations. Section 702(a)(5) of the Social Security Act, 42 U.S.C. 902(A)(5). Generally, the APA requires that an agency provide prior notice and opportunity for public comment before issuing a final rule. The APA provides exceptions to the notice and public comment procedures when an agency finds there is good cause for dispensing with such procedures because they are impracticable, unnecessary, or contrary to the public interest.

We find that there is good cause under 5 U.S.C. 553(b)(B) to issue this regulatory change as a final rule without prior public comment. We find that prior public comment is unnecessary because this final rule merely makes our regulations (20 CFR 404.315 and 404.317) consistent with the provisions of the ALS Act, as amended, which eliminated the 5-month waiting period for individuals with ALS whose applications for DI benefits were approved on or after July 23, 2020. Because we are only making our regulations consistent with the ALS Act, and we are making no other changes, we find that prior public comment is unnecessary and that there is good cause to issue this final rule without prior notice and public comment.

In addition, we find that there is good cause for dispensing with the 30-day delay in the effective date of this final rule as provided by 5 U.S.C. 553(d)(3). As we explained above, this final rule merely makes our regulations consistent with the ALS Act, which is already in effect. Therefore, we find that it is unnecessary to delay the effective date of the final rule.

[1] Section 223(c)(2) of the Social Security Act; 20 CFR 404.315(a)(4).

[2] *Id.*

[3] Public Law 116–250, 134 Stat. 1128, available at *https://www.congress.gov/bill/116th-congress/senate-bill/578.*

[4] Public Law 117–3, 135 Stat. 246, available at *https://www.congress.gov/bill/117th-congress/senate-bill/579.*

[5] 166 Cong. Rec. H6988, December 8, 2020, *https://www.congress.gov/congressional-record/volume-166/house-section/page/H6988-6991.*

[6] Section 2(b) of the ALS Act, Public Law 116–250, 134 Stat. at 1128.

Executive Order 12866, as Supplemented by Executive Order 13563

We consulted with the Office of Management and Budget (OMB) and determined that this final rule does not meet the criteria for a significant regulatory action under Executive Order (E.O.) 12866, as supplemented by E.O. 13563. Thus, OMB did not review the final rule. We also determined that this final rule meets the plain language requirement of E.O. 12866.

Executive Order 13132 (Federalism)

We analyzed this final rule in accordance with the principles and criteria established by E.O. 13132 and determined that the final rule will not have sufficient federalism implications to warrant the preparation of a federalism assessment. We also determined that this final rule would not preempt any State law or State regulation or affect the States' abilities to discharge traditional State governmental functions.

Regulatory Flexibility Act

We certify that this final rule will not have a significant economic impact on a substantial number of small entities, because it affects individuals only. Therefore, a regulatory flexibility analysis is not required under the Regulatory Flexibility Act, as amended.

Paperwork Reduction Act

This final rule only removes the 5-month waiting period in the regulations cited above but does not create any new or affect any existing collections. So, it does not impose any burdens under the Paperwork Reduction Act and does not require further OMB approval.

(Catalog of Federal Domestic Assistance Program Nos. 9601, Social Security—Disability Insurance)

List of Subjects in 20 CFR Part 404

Administrative practice and procedure, Disability benefits, Old-age, survivors, and disability insurance, Reporting and recordkeeping requirements, Social security.

The Acting Commissioner of the Social Security Administration, Kilolo Kijakazi, having reviewed and approved this document, is delegating the authority to electronically sign this document to William P. Gibson, who is the primary Federal Register Liaison for SSA, for purposes of publication in the **Federal Register**.

William P. Gibson,

Federal Register Liaison, Office of Legislation and Congressional Affairs, Social Security Administration.

For the reasons stated in the preamble, we amend 20 CFR part 404, subpart D, as set forth below:

PART 404—FEDERAL OLD-AGE, SURVIVORS AND DISABILITY INSURANCE (1950–)

Subpart D—Old-Age, Disability, Dependents' and Survivors' Insurance Benefits; Period of Disability

■ 1. The authority citation for subpart D of part 404 continues to read as follows:

Authority: Secs. 202, 203(a) and (b), 205(a), 216, 223, 225, and 702(a)(5) of the Social Security Act (42 U.S.C. 402, 403(a) and (b), 405(a), 416, 423, 425, and 902(a)(5)).

■ 2. Amend § 404.315 by revising paragraph (a)(4) to read as follows:

§ 404.315 Who is entitled to disability benefits?

(a) * * *

(4) You have been disabled for 5 full consecutive months or no waiting period is required. The 5-month waiting period begins with a month in which you were both insured for disability and disabled. Your waiting period can begin no earlier than the 17th month before the month you apply—no matter how long you were disabled before then. No waiting period is required if:

(i) You were previously entitled to disability benefits or to a period of disability under § 404.320 any time within 5 years of the month you again became disabled; or

(ii) You have been medically determined to have amyotrophic lateral sclerosis, and we approved your application for disability insurance benefits on or after July 23, 2020.

* * * * *

■ 3. Amend § 404.317 by adding a sentence after the third sentence to read as follows:

§ 404.317 How is the amount of my disability benefit calculated?

* * * If the 5-month waiting period is not required because you have been medically determined to have amyotrophic lateral sclerosis (see § 404.315), your PIA is figured as if you were 62 years old when you become entitled to benefits. * * *

[FR Doc. 2021–18435 Filed 8–26–21; 8:45 am]

BILLING CODE 4191–02–P

DEPARTMENT OF STATE

22 CFR Part 121

[Public Notice: 11481]

RIN 1400–AF35

International Traffic in Arms Regulations (ITAR): Continued Temporary Modification of Category XI of the United States Munitions List

AGENCY: Department of State.

ACTION: Final rule; notification of temporary modification.

SUMMARY: The Department of State, pursuant to its regulations and in the interest of the security of the United States, temporarily modifies Category XI of the United States Munitions List (USML).

DATES: This rule is effective August 30, 2021, except for amendatory instruction 3, which is effective August 30, 2026.

FOR FURTHER INFORMATION CONTACT: Chris Weil, Technology and Jurisdiction Analysis Division, Office of Defense Trade Controls Policy, Department of State, (202) 632–2870, *DDTCPublicComments@state.gov.* ATTN: ITAR Amendment—USML Category XI(b) (1400–AE88)

SUPPLEMENTARY INFORMATION: On July 1, 2014, the Department published a final rule revising Category XI of the USML, 79 FR 37536, effective December 30, 2014. That final rule, consistent with the two prior proposed rules for USML Category XI (78 FR 45018, July 25, 2013 and 77 FR 70958, November 28, 2012), revised paragraph (b) of Category XI to clarify the extent of control and maintain the existing scope of control on items described in paragraph (b) and the directly related software described in paragraph (d).

The Department later determined that exporters may read the revised control language to exclude certain intelligence-analytics software that has been and remains controlled on the USML. Therefore, the Department determined that it was in the interest of the security of the United States to temporarily revise USML Category XI paragraph (b), pursuant to the provisions of 22 CFR 126.2, while a long-term solution was developed. The Department published a final rule on July 2, 2015 (80 FR 37974) that temporarily modified USML Category XI(b) until December 29, 2015. The Department subsequently published a series of rules [1] that had the effect of

[1] 80 FR 78130, 82 FR 41172, 83 FR 44228 and 84 FR 45652.

continuing the modification until August 30, 2021.

The scope of control in existence prior to December 30, 2014 for USML Category XI paragraph (b) and directly related software in paragraph (d) remains in effect. This clarification is achieved by reinserting the words ''analyze and produce information from'' and by adding software to the description of items controlled. The Department, with its interagency partners, continues to develop a long-term solution for USML Category XI(b). However, that solution will not be in place when the current temporary modification expires on August 30, 2021. Therefore, the Department has determined, for the national security and foreign policy of the United States and in the best interest of the U.S. defense industry, to publish a final rule that extends the temporary modification of USML XI(b) for five years, to August 30, 2026, to allow it to be revised as part of the wholesale revision of USML Category XI.

Regulatory Findings

Administrative Procedure Act

This rulemaking is exempt from section 553 (Rulemaking) and section 554 (Adjudications) of the Administrative Procedure Act (APA) pursuant to 5 U.S.C. 553(a)(1) as a military or foreign affairs function of the U.S. Government.

Regulatory Flexibility Act

Since the Department is of the opinion that this rule is exempt from the provisions of 5 U.S.C. 553, there is no requirement for an analysis under the Regulatory Flexibility Act.

Unfunded Mandates Reform Act of 1995

This rulemaking does not involve a mandate that will result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any year and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Congressional Review Act

The Department does not believe this rulemaking is a major rule under the criteria of 5 U.S.C. 804.

Executive Orders 12372 and 13132

This rulemaking does not have sufficient federalism implications to require consultations or warrant the preparation of a federalism summary impact statement. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities do not apply to this rulemaking.

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, distributed impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This rulemaking is a significant but not an economically significant rule, under the criteria of Executive Order 12866, and is consistent with the provisions of Executive Order 13563.

Executive Order 12988

The Department of State has reviewed this rulemaking in light of sections 3(a) and 3(b)(2) of Executive Order 12988 to eliminate ambiguity, minimize litigation, establish clear legal standards, and reduce burden.

Executive Order 13175

The Department of State has determined that this rulemaking will not have tribal implications, will not impose substantial direct compliance costs on Indian tribal governments, and will not preempt tribal law. Accordingly, the requirements of Executive Order 13175 do not apply to this rulemaking.

Paperwork Reduction Act

This rulemaking does not impose or revise any information collections subject to 44 U.S.C. Chapter 35.

List of Subjects in 22 CFR Part 121

Arms and munitions, Classified information, Exports.

For reasons stated in the preamble, the State Department amends 22 CFR part 121 as follows:

PART 121—THE UNITED STATES MUNITIONS LIST

■ 1. The authority citation for part 121 continues to read as follows:

Authority: Secs. 2, 38, and 71, Pub. L. 90–629, 90 Stat. 744 (22 U.S.C. 2752, 2778, 2797); 22 U.S.C. 2651a; Pub. L. 105–261, 112 Stat. 1920; Section 1261, Pub. L. 112–239; E.O. 13637, 78 FR 16129.

■ 2. In § 121.1, under Category XI, revise paragraph (b) to read as follows:

§ 121.1 The United States Munitions List.

* * * * *

Category XI—Military Electronics

* * * * *

*(b) Electronic systems, equipment or software, not elsewhere enumerated in this subchapter, specially designed for intelligence purposes that collect, survey, monitor, or exploit, or analyze and produce information from, the electromagnetic spectrum (regardless of transmission medium), or for counteracting such activities.

* * * * *

■ 3. Effective August 30, 2026, in § 121.1, under Category XI, revise paragraph (b) to read as follows:

§ 121.1 The United States Munitions List.

* * * * *

Category XI—Military Electronics

* * * * *

*(b) Electronic systems or equipment, not elsewhere enumerated in this subchapter, specially designed for intelligence purposes that collect, survey, monitor, or exploit the electromagnetic spectrum (regardless of transmission medium), or for counteracting such activities.

* * * * *

Zachary A. Parker,

Director, Office of Directives Management, U.S. Department of State.

[FR Doc. 2021–18544 Filed 8–26–21; 8:45 am]

BILLING CODE 4710–25–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket No. USCG–2021–0640]

Special Local Regulations; Ironman Triathlon, Augusta, GA

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

ACTION: Notificaion of enforcement of regulation.

SUMMARY: The Captain of the Port (COTP) Savannah, Georgia will enforce a special local regulation for the Ironman Triathlon in Augusta, Georgia on September 26, 2021, to provide for the safety of life on navigable waterways during this event. Our regulation for marine events within the Seventh Coast Guard District identifies the regulated

area for this event in Augusta, GA. During the enforcement periods, the operator of any vessel in the regulated area must comply with directions from the Patrol Commander.

DATES: The regulations in 33 CFR 100.701, Table 1 to § 100.701, Section (d), Item 3, will be enforced from 6:30 a.m. until 11:30 a.m., on September 26, 2021.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notification of enforcement, call or email MST1 Stephanie Daley, Marine Safety Unit Savannah Office of Waterways Management, U.S. Coast Guard; telephone 912–652–4353, extension 257, or email *Stephanie.L.Daley@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce a special local regulation in 33 CFR 100.701, Table 1 to § 100.701, Section (d), Item 3, for the Ironman Triathlon, from 6:30 a.m. to 11:30 a.m., on September 26, 2021.

This action is being taken to provide for the safety of life on navigable waterways during this event. Our regulation for marine events within the Seventh Coast Guard District, 33 CFR 100.701, specifies the location of the regulated area for the Ironman Triathlon which encompasses portions of the Savannah River and its branches. During the enforcement periods, as reflected in 33 CFR 100.701(c), if you are the operator of a vessel in the regulated area you must comply with directions from the Patrol Commander. The Coast Guard may be assisted by other Federal, State, or local law enforcement agencies in enforcing this regulation.

K.A. Broyles,

Commander, U.S. Coast Guard, Captain of the Port, Savannah, GA.

[FR Doc. 2021–18511 Filed 8–26–21; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2021–0569]

RIN 1625–AA00

Safety Zone; Corpus Christi Bay; Corpus Christi, TX

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for all navigable waters within a 500-foot radius of a fireworks display launched from a barge in position 27°48′37.02″ N, 097°23′27.60″ W in Corpus Christi, Texas. The safety zone is needed to protect personnel, vessels, and the marine environment from potential hazards created by the fireworks display. Entry of vessels or persons into this temporary zone is prohibited unless specifically authorized by the Captain of the Port Sector Corpus Christi or a designated representative.

DATES: This rule is effective from 9:30 p.m. through 10:30 p.m. on August 28, 2021.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2021–0569 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 Lieutenant Commander Anthony Garofalo, Sector Corpus Christi Waterways Management Division, U.S. Coast Guard; telephone 361–939–5130, email *CCWaterways@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because it is impracticable. We must establish this safety zone immediately and lack sufficient time to provide a reasonable comment period and then consider those comments before issuing the rule.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be contrary to the public interest because immediate action is needed to respond to the potential safety hazards associated with a fireworks display on August 28, 2021.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034. The Captain of the Port Sector Corpus Christi (COTP) has determined that potential hazards associated with a fireworks display on August 28, 2021 will be a safety concern for anyone in the navigable waters of Corpus Christi Bay within a 500-foot radius of a fireworks display launched from a barge in Corpus Christi, Texas. The purpose of this rule is to ensure safety of vessels and persons on these navigable waters in the safety zone during the fireworks display.

IV. Discussion of the Rule

This rule establishes a temporary safety zone from 9:30 p.m. through 10:30 p.m. on August 28, 2021. The fireworks will be launched in position 27°48′37.02″ N, 097°23′27.60″ W. No vessel or person is permitted to enter the temporary safety zone during the effective period without obtaining permission from the COTP or a designated representative, who may be contacted on Channel 16 VHF–FM (156.8 MHz) or by telephone at 361–939–0450. The Coast Guard will issue Local Notices to Mariners, Safety Marine Information Broadcasts, or Broadcast Notice to Mariners via VHF–FM marine channel 16 about the zone, as appropriate.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size, location, and duration of the safety zone. This safety zone covers a 500-foot radius for a

fireworks display launched from a barge in position 27°48′37.02″ N, 097°23′27.60″ W in Corpus Christi, Texas. The temporary safety zone will be enforced for a short period of only 1 hour on August 28, 2021. The rule does not completely restrict the traffic within a waterway and allows mariners to request 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 temporary safety zone may be small entities, for the reasons stated in section V.A above, this rule will not have a significant economic impact on any vessel owner or operator.

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

Also, this rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes. If you believe this rule has implications for federalism or Indian tribes, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section above.

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01 and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves establishment of a temporary safety zone for navigable waters of Corpus Christi Bay within a 500-foot radius of a fireworks display launched from a barge in position 27°48′37.02″ N, 097°23′27.60″ W in Corpus Christi, Texas. The safety zone is needed to protect personnel, vessels, and the marine environment from potential hazards created by a fireworks display. 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.

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

Authority: 46 U.S.C. 70034, 70051; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 00170.1, Revision No. 01.2.

■ 2. Add § 165.T08–0569 to read as follows:

§ 165.T08–0569 Safety Zone; Corpus Christi Bay; Corpus Christi, TX.

(a) *Location.* The following area is a safety zone: All navigable waters of Corpus Christi Bay within a 500-foot radius of a firework display launched from a barge in position 27°48′37.02″ N, 097°23′27.60″ W in Corpus Christi, Texas.

(b) *Effective period.* This rule is effective from 9:30 p.m. through 10:30 p.m. on August 28, 2021.

(c) *Regulations.* (1) According to the general regulations in § 165.23, entry into this temporary safety zone is prohibited unless authorized by the Captain of the Port Sector Corpus Christi (COTP) or a designated representative.

(2) Persons or vessels seeking to enter the safety zone must request permission from the COTP on VHF–FM channel 16 (156.8 MHz) or by telephone at 361–939–0450.

(3) If permission is granted, all persons and vessels shall comply with the instructions of the COTP or designated representative.

(d) *Information broadcasts.* The COTP or a designated representative will inform the public of the enforcement times and date for this safety zone through Broadcast Notices to Mariners, Local Notices to Mariners, or Safety Marine Information Broadcasts, as appropriate.

Dated: August 24, 2021.

H.C. Govertsen,

Captain, U.S. Coast Guard, Captain of the Port, Sector Corpus Christi.

[FR Doc. 2021–18581 Filed 8–26–21; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2021–0623]

RIN 1625–AA00

Safety Zone; M/V ZHEN HUA 24, Crane Delivery Operation, Chesapeake Bay and Coastal Virginia

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary moving safety zone around M/V ZHEN HUA 24 during its transit through certain waters of the Chesapeake Bay and Coastal Virginia. This action is necessary to provide for the safety of life on these navigable waters during the movement of the M/V ZHEN HUA 24 while it is transporting four new Super-Post Panamax container cranes to the Port of Baltimore, anticipated to begin transit of the Chesapeake Bay on August 31, 2021. The Captain of the Port Virginia has determined that limited maneuverability and unique cargo of this vessel are potential hazardous to any person or vessel within the safety zone. This rulemaking prohibits persons and vessels from being in the safety zone unless authorized by the Captain of the Port Virginia or a designated representative.

DATES: This rule is effective August 30, 2021 through September 29, 2021.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Lieutenant Commander Ashley Holm, Sector Virginia Waterways Management division, U.S. Coast Guard; telephone 757–668–5581, email *VirginiaWaterways@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking
§ Section
U.S.C. United States Code
CBBT Chesapeake Bay Bridge-Tunnel
COTP Captain of the Port

II. Background Information and Regulatory History

On June 28, 2021, Ports America Chesapeake, LLC notified the Coast Guard that the M/V ZHEN HUA 24 will be transporting four new Super-Post Panamax container cranes from Shanghai, China, to the Port of Baltimore. These cranes will be delivered to, and installed at, the Seagirt Marine Terminal at Baltimore, MD. In response, on August 12, 2021, the Coast Guard published a notice of proposed rulemaking (NPRM) titled Safety Zone: M/V ZHEN HUA 24, Crane Delivery Operation, Chesapeake Bay and Coastal Virginia, 86 FR 44328. There we stated why we issued the NPRM, and invited comments on our proposed regulatory action. During the comment period that ended August 23, 2021, we received no comments. When the NPRM was published, the M/V ZHEN HUA 24 was estimated to arrive between September 4, 2021, and September 29, 2021. This arrival date has been moved up due to changes in shipping schedules and is now scheduled to begin its inbound transit on August 31, 2021, but this date is still subject to change.

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 and contrary to the public interest because immediate action is needed to respond to the potential safety hazards associated with the transit of the M/V ZHEN HUA 24 to Baltimore, MD, which is expected to occur prior to the 30 day time period. Actual notice of enforcement of this rule will be provided via Broadcast Notice to Mariners and VHF–FM radio transmissions.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rulemaking under authority in 46 U.S.C. 70034 (previously 33 U.S.C. 1231). The COTP Virginia has determined that potential hazards associated with the crane delivery operation would be a safety concern for any vessel required to transit the navigation channels in the Chesapeake Bay and Coastal Virginia that would meet, pass, or overtake the M/V ZHEN HUA 24. These hazards can be mitigated with a 500 yards radius safety zone around the vessel. The purpose of this rule is to ensure safety of vessels and protect the environment and critical national infrastructure such as the Chesapeake Bay bridge-tunnel (CBBT) during the vessel's transit to Baltimore.

IV. Discussion of Comments, Changes, and the Rule

As noted above, we received no comments on our NPRM published August 12, 2021. There are no changes in the regulatory text of this rule from the proposed rule in the NPRM.

This rule establishes a temporary moving safety zone with a radius of 500 yards centered around the M/V ZHEN HUA 24 during the inbound transit through the territorial sea and the Chesapeake Bay to Baltimore, MD. The safety zone will be enforced when the M/V ZHEN HUA 24 enters the U.S. Territorial Sea, as defined in 33 CFR 2.22(a)(1), and enforcement will end when the vessel crosses the Virginia-Maryland State Line in the Chesapeake Bay. The M/V ZHEN HUA 24 is expected to begin its inbound transit through the Chesapeake Bay on August 31, 2021, but this is subject to change. The duration of the zone is intended to ensure the safety of vessels and these navigable waters for the duration of the vessel's transit estimated to last 15 hours. No vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on This regulatory action determination is based on the size and duration of the safety zone, which would impact only vessel traffic required to transit certain navigation channels of the Chesapeake Bay and the Coastal Virginia for an expected total no

more than 15 enforcement-hours. Although these waterways support both commercial and recreational vessel traffic, small portions of the waterway would be restricted for a small period of time as the M/V ZHEN HUA 24 transits northward in the Chesapeake Bay. Moreover, the Coast Guard would issue a Broadcast Notice to Mariners via VHF–FM marine channel 16 about 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 received no comments from the Small Business Administration on this rulemaking. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969(42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves involves a temporary safety zone that would prohibit entry within certain navigable waters of the Chesapeake Bay and Coastal Virginia within a 500 yards radius of the M/V ZHEN HUA 24. It is categorically excluded from further review under paragraph L60c of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A Memorandum for the Record supporting this determination is available in the docket. For instructions on locating the docket, see the **ADDRESSES** section of this preamble.

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

Authority: 46 U.S.C. 70034, 70051; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 00170.1, Revision No. 01.2.

■ 2. Add § 165.T05–0623 to read as follows:

§ 165.T05–0623 Safety Zone; M/V ZHEN HUA 24, Crane Delivery Operation, Chesapeake Bay and Coastal Virginia.

(a) *Regulated Area.* The rule establishes the following regulated area as a temporary moving safety zone: All waters within a 500 yards radius of the M/V ZHEN HUA 24 during its inbound transit to Baltimore, MD. Inbound transit will begin when the M/V ZHEN HUA enters the U.S. Territorial Sea, as defined in33 CFR 2.22(a)(1), and end when the vessel crosses the Virginia-Maryland State Line in the Chesapeake Bay, a line starting at a point 38°01′36″ N latitude, 75°14′34″ W longitude, then south east to a point 37°19′14″ N latitude, 72°13′13″ W longitude. These coordinates are based on WGS 84.

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

Captain of the Port (COTP) means the Commander, U.S. Coast Guard Sector Virginia.

Designated representative means a Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer operating a Coast

Guard vessel and a Federal, State, and local officer designated by or assisting the Captain of the Port Virginia (COTP) in the enforcement of the safety zone.

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

(2) To seek permission to enter, contact the COTP or the COTP's representative by telephone at (757) 483–8567 or on Marine Band Radio VHF–FM channel 16 (156.8 MHz). Those in the safety zone must comply with all lawful orders or directions given to them by the COTP or the COTP's designated representative.

(3) The Coast Guard will provide notice of the regulated area by Marine Safety Information Bulletins, Local Notice to Mariners, Broadcast Notice to Mariners, and on-scene designated representatives.

(d) *Enforcement officials.* The U.S. Coast Guard may be assisted in the patrol and enforcement of the safety zone by Federal, State, and local agencies.

(e) *Enforcement period.* This section will be enforced during inbound transit of the M/V ZHEN HUA 24 through Coastal Virginia and Chesapeake Bay on the way to the Port of Baltimore.

Dated: August 24, 2021.

Jennifer A. Stockwell,

Captain, U.S. Coast Guard, Acting Captain of the Port Virginia.

[FR Doc. 2021–18525 Filed 8–26–21; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2021–0634]

RIN 1625–AA00

Safety Zone; Sodus Point Labor Day Fireworks Display; Sodus Bay; Sodus Point, NY

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

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for navigable waters within a 840-feet radius of land launched fireworks in Sodus bay in Sodus Point, NY. The safety zone is needed to protect personnel, vessels, and the marine environment from potential hazards created by a fireworks display. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port Buffalo or a designated representative.

DATES: This rule is effective September 4, 2021, from 9:15 p.m. through 10:15 p.m.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2021–0634 in the search box and click ''Search.'' Next, in the Document Type column, select ''Supporting & Related Material.''

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email MST2 Anthony Urbana, U.S. Coast Guard Sector Buffalo, via telephone 716–843–9342 or email *D09-SMB-SECBuffalo-WWM@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking with respect to this rule because the event sponsor notified the Coast Guard with insufficient time to accommodate the comment period. Delaying the effective date of this rule would be contrary to the public interest and the rule's objectives of protecting the safety of life on the navigable waters, including protection of persons and vessels in vicinity of the fireworks display. It is impracticable to publish an NPRM because we must establish this safety zone by September 4, 2021. Delay of the effective date would inhibit the Coast Guard's ability to protect spectators and vessels from the hazards associated with a fireworks display with an expected fall-out area over the water.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. For the same reasons discussed in the preceding paragraph, waiting for a 30-day notice period to run would be impracticable and contrary to the public interest.

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 (COTP) Buffalo has determined that fireworks over the water presents significant risks to public safety and property. This rule is needed to protect personnel, vessels, and the marine environment in the navigable waters within the safety zone while the fireworks display is taking place.

IV. Discussion of the Rule

This rule establishes a safety zone from 9:15 p.m. through 10:15 p.m. on September 4, 2021. The safety zone will cover all navigable waters within a 840-feet radius of land launched fireworks in Sodus bay in Sodus Point, NY. The duration of the zone is intended to protect spectators, vessels, and the marine environment in these navigable waters during the fireworks display. No vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP Buffalo or a designated representative.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size, location, duration, and time-of-day of the safety zone. The safety zone will encompass a 840-feet radius of barge launched fireworks in Sodus Bay in Sodus Point, NY. lasting approxiamately 1 hour during the evening when vessel traffic is normally

low. Moreover, the Coast Guard would issue a Broadcast Notice to Mariners via VHF–FM marine channel 16 about the zone, and the rule would allow vessels to seek permission to enter the zone.

B. Impact on Small Entities

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

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

Also, this rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes. If you believe this rule has implications for federalism or Indian tribes, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section above.

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a safety zone lasting approximately 1 hour that will prohibit entry within a 840-feet radius in Sodus Bay in Sodus Point, NY, for a fireworks display. It is categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A Record of Environmental Consideration supporting this determination is available in the docket. For instructions on locating the docket, see the **ADDRESSES** section of this preamble.

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

Authority: 46 U.S.C. 70034, 70051; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 00170.1, Revision No. 01.2.

■ 2. Add § 165.T09–0634 to read as follows:

§ 165.T09–0634 Safety Zone; Sodus Point Labor Day Fireworks Display; Sodus Bay; Sodus Point, NY.

(a) *Location.* The following area is a safety zone: All waters of the Sodus Bay, from surface to bottom, encompassed by a 840-feet radius around 43°16′33″ N, 076°58′27″ W.

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

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23, entry into, transiting, or anchoring within this safety zone is prohibited unless authorized by the COTP Buffalo or a designated representative.

(2) Vessel operators desiring to enter or operate within the safety zone must contact the COTP Buffalo or her designated representative to obtain permission to do so. The COTP Buffalo

or her designated representative may be contacted via VHF Channel 16. Vessel operators given permission to enter or operate in the safety zone must comply with all directions given to them by the COTP Buffalo, or her designated representative.

(d) *Enforcement period.* The regulated area described in paragraph (a) of this section is effective from 9:15 p.m. through 10:15 p.m. on September 4, 2021.

Dated: August 23, 2021.

L.M. Littlejohn,

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

[FR Doc. 2021–18524 Filed 8–26–21; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2021–0162; FRL–8745–02–OCSPP]

Oxirane, 2-methyl-, polymer with oxirane, mono-(9Z)-9-octadecanoate, methyl ether; Exemption From the Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes an exemption from the requirement of a tolerance for residues of oxirane, 2-methyl-, polymer with oxirane, mono-(9Z)-9-octadecanoate, methyl ether (CAS Reg. No. 72283–36–4) when used as an inert ingredient in a pesticide chemical formulation. Ethox Chemicals, LLC, submitted a petition to EPA under the Federal Food, Drug, and Cosmetic Act (FFDCA), requesting an exemption from the requirement of a tolerance. This regulation eliminates the need to establish a maximum permissible level for residues of oxirane, 2-methyl-, polymer with oxirane, mono-(9Z)-9-octadecanoate, methyl ether on food or feed commodities when used in accordance with these exemptions.

DATES: This regulation is effective August 27, 2021. Objections and requests for hearings must be received on or before October 26, 2021, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2021–0162, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805.

Due to the public health concerns relating to COVID–19, the EPA Docket Center (EPA/DC) and Reading Room is closed to visitors with limited exceptions. The staff continues to provide customer service via email, phone, and webform. For the latest status information on EPA/DC services, docket access, visit *http://www.epa.gov/dockets*.

FOR FURTHER INFORMATION CONTACT: Marietta Echeverria, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; main telephone number: (703) 305–7090; email address: *RDFRNotices@epa.gov*.

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. How can I get electronic access to other related information?

You may access a frequently updated electronic version of 40 CFR part 180 through the Government Publishing Office's e-CFR site at *http://www.ecfr.gov/cgi-bin/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl*.

C. How can I file an objection or hearing request?

Under FFDCA section 408(g), 21 U.S.C. 346a(g), any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2021–0162 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing and must be received by the Hearing Clerk on or before October 26, 2021. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2021–0162, by one of the following methods.

- *Federal eRulemaking Portal: http://www.regulations.gov*. Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html*.

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets*.

II. Background and Statutory Findings

In the **Federal Register** of April 22, 2021 (86 FR 21317) (FRL–10022–59), EPA issued a document pursuant to FFDCA section 408, 21 U.S.C. 346a, announcing the receipt of a pesticide petition (PP IN–11490) filed by Ethox Chemicals, LLC, 1801 Perimeter Road, Greenville, SC 29605. The petition requested that 40 CFR 180.960 be amended by establishing an exemption from the requirement of a tolerance for residues of oxirane, 2-methyl-, polymer with oxirane, mono-(9Z)-9-octadecanoate, methyl ether (CAS Reg. No. 72283–36–4). That document included a summary of the petition

prepared by the petitioner and solicited comments on the petitioner's request. The Agency did not receive any comments.

Section 408(c)(2)(A)(i) of FFDCA allows EPA to establish an exemption from the requirement for a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the exemption is ''safe.'' Section 408(c)(2)(A)(ii) of FFDCA defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and use in residential settings but does not include occupational exposure. Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing an exemption from the requirement of a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue . . .'' and specifies factors EPA is to consider in establishing an exemption.

III. Risk Assessment and Statutory Findings

EPA establishes exemptions from the requirement of a tolerance only in those cases where it can be shown that the risks from aggregate exposure to pesticide chemical residues under reasonably foreseeable circumstances will pose no appreciable risks to human health. In order to determine the risks from aggregate exposure to pesticide inert ingredients, the Agency considers the toxicity of the inert in conjunction with possible exposure to residues of the inert ingredient through food, drinking water, and through other exposures that occur as a result of pesticide use in residential settings. If EPA is able to determine that a finite tolerance is not necessary to ensure that there is a reasonable certainty that no harm will result from aggregate exposure to the inert ingredient, an exemption from the requirement of a tolerance may be established.

Consistent with FFDCA section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action and considered its validity, completeness and reliability and the relationship of this information to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children. In the case of certain chemical substances that are defined as polymers, the Agency has established a set of criteria to identify categories of polymers expected to present minimal or no risk. The definition of a polymer is given in 40 CFR 723.250(b) and the exclusion criteria for identifying these low-risk polymers are described in 40 CFR 723.250(d). Oxirane, 2-methyl-, polymer with oxirane, mono-(9Z)-9-octadecanoate, methyl ether conforms to the definition of a polymer given in 40 CFR 723.250(b) and meets the following criteria that are used to identify low-risk polymers.

1. The polymer is not a cationic polymer nor is it reasonably anticipated to become a cationic polymer in a natural aquatic environment.

2. The polymer does contain as an integral part of its composition at least two of the atomic elements carbon, hydrogen, nitrogen, oxygen, silicon, and sulfur.

3. The polymer does not contain as an integral part of its composition, except as impurities, any element other than those listed in 40 CFR 723.250(d)(2)(ii).

4. The polymer is neither designed nor can it be reasonably anticipated to substantially degrade, decompose, or depolymerize.

5. The polymer is manufactured or imported from monomers and/or reactants that are already included on the TSCA Chemical Substance Inventory or manufactured under an applicable TSCA section 5 exemption.

6. The polymer is not a water absorbing polymer with a number average molecular weight (MW) greater than or equal to 10,000 daltons.

7. The polymer does not contain certain perfluoroalkyl moieties consisting of a CF_3- or longer chain length as listed in 40 CFR 723.250(d)(6).

Additionally, the polymer also meets as required the following exemption criteria specified in 40 CFR 723.250(e).

8. The polymer's number average MW of 1,200 is greater than 1,000 and less than 10,000 daltons. The polymer contains less than 10% oligomeric material below MW 500 and less than 25% oligomeric material below MW 1,000, and the polymer does not contain any reactive functional groups.

Thus, oxirane, 2-methyl-, polymer with oxirane, mono-(9Z)-9-octadecanoate, methyl ether meets the criteria for a polymer to be considered low risk under 40 CFR 723.250. Based on its conformance to the criteria in this unit, no mammalian toxicity is anticipated from dietary, inhalation, or dermal exposure to oxirane, 2-methyl-, polymer with oxirane, mono-(9Z)-9-octadecanoate, methyl ether.

IV. Aggregate Exposures

For the purposes of assessing potential exposure under this exemption, EPA considered that oxirane, 2-methyl-, polymer with oxirane, mono-(9Z)-9-octadecanoate, methyl ether could be present in all raw and processed agricultural commodities and drinking water, and that non-occupational non-dietary exposure was possible. The number average MW of oxirane, 2-methyl-, polymer with oxirane, mono-(9Z)-9-octadecanoate, methyl ether is 1,200 daltons. Generally, a polymer of this size would be poorly absorbed through the intact gastrointestinal tract or through intact human skin. Since oxirane, 2-methyl-, polymer with oxirane, mono-(9Z)-9-octadecanoate, methyl ether conforms to the criteria that identify a low-risk polymer, there are no concerns for risks associated with any potential exposure scenarios that are reasonably foreseeable. The Agency has determined that a tolerance is not necessary to protect the public health.

V. Cumulative Effects From Substances With a Common Mechanism of Toxicity

Section 408(b)(2)(D)(v) of FFDCA requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.''

EPA has not found oxirane, 2-methyl-, polymer with oxirane, mono-(9Z)-9-octadecanoate, methyl ether to share a common mechanism of toxicity with any other substances, and oxirane, 2-methyl-, polymer with oxirane, mono-(9Z)-9-octadecanoate, methyl ether does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has assumed that oxirane, 2-methyl-, polymer with oxirane, mono-(9Z)-9-octadecanoate, methyl ether does not have a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see EPA's website at *http://www.epa.gov/pesticides/cumulative*.

VI. Additional Safety Factor for the Protection of Infants and Children

Section 408(b)(2)(C) of FFDCA provides that EPA shall apply an

additional tenfold margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the data base unless EPA concludes that a different margin of safety will be safe for infants and children. Due to the expected low toxicity of oxirane, 2-methyl-, polymer with oxirane, mono-(9Z)-9-octadecanoate, methyl ether, EPA has not used a safety factor analysis to assess the risk. For the same reasons the additional tenfold safety factor is unnecessary.

VII. Determination of Safety

Based on the conformance to the criteria used to identify a low-risk polymer, EPA concludes that there is a reasonable certainty of no harm to the U.S. population, including infants and children, from aggregate exposure to residues of oxirane, 2-methyl-, polymer with oxirane, mono-(9Z)-9-octadecanoate, methyl ether.

VIII. Analytical Enforcement Methodology

An analytical method is not required for enforcement purposes since the Agency is establishing an exemption from the requirement of a tolerance without any numerical limitation.

IX. Conclusion

Accordingly, EPA finds that exempting residues of oxirane, 2-methyl-, polymer with oxirane, mono-(9Z)-9-octadecanoate, methyl ether from the requirement of a tolerance will be safe.

X. Statutory and Executive Order Reviews

This action establishes a tolerance under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993). Because this action has been exempted from review under Executive Order 12866, this action is not subject to Executive Order 13211, entitled ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997). This action does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), nor does it require any special considerations under Executive Order 12898, entitled ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations'' (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), do not apply.

This action directly regulates growers, food processors, food handlers, and food retailers, not States or Tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, the Agency has determined that this action will not have a substantial direct effect on States or Tribal Governments, on the relationship between the National Government and the States or Tribal Governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian Tribes. Thus, the Agency has determined that Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000) do not apply to this action. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1501 *et seq.*).

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note).

XI. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), EPA will submit a report containing this rule 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**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: August 20, 2021.

Catherine Aubee,

Acting Director, Registration Division, Office of Pesticide Programs.

Therefore, for the reasons stated in the preamble, EPA is amending 40 CFR chapter I as follows:

PART 180—TOLERANCES AND EXEMPTIONS FOR PESTICIDE CHEMICAL RESIDUES IN FOOD

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. In § 180.960, amend the table by adding in alphabetical order the polymer ''Oxirane, 2-methyl-, polymer with oxirane, mono-(9Z)-9-octadecanoate, methyl ether, minimum number average molecular weight (in amu), 1,200'' to read as follows:

§ 180.960 Polymers; exemptions from the requirement of a tolerance.

* * * * *

Polymer	CAS No.
* * * * * * *	
Oxirane, 2-methyl-, polymer with oxirane, mono-(9Z)-9-octadecanoate, methyl ether, minimum number average molecular weight (in amu), 1,200	72283–36–4
* * * * * * *	

[FR Doc. 2021–18518 Filed 8–26–21; 8:45 am]
BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2021–0161; FRL–8799–01–OCSPP]

α-Alkyl-ω-hydroxypoly(oxypropylene) and/or poly (oxyethylene) Polymers Where the Alkyl Chain Contains a Minimum of 6 Carbons; Exemptions From the Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes exemptions from the requirement of a tolerance for α-alkyl-ω-hydroxypoly (oxypropylene) and/or poly (oxyethylene) polymers where the alkyl chain contains a minimum of six carbons when used as inert ingredients in certain pesticide formulations. Spring Regulatory Sciences, on behalf of Sasol Chemicals (USA) LLC, 12120 Wickchester Ln., Houston, Texas 77224, submitted a petition to EPA under the Federal Food, Drug, and Cosmetic Act (FFDCA), requesting amendments to existing exemptions from the requirement of a tolerance when used in accordance with these exemptions.

DATES: This regulation is effective August 27, 2021. Objections and requests for hearings must be received on or before October 26, 2021, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2021–0161, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805.

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), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; main telephone number: (703) 305–7090; email address: *RDFRNotices@epa.gov*.

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. How can I get electronic access to other related information?

You may access a frequently updated electronic version of 40 CFR part 180 through the Government Publishing Office's e-CFR site at *http://www.ecfr.gov/cgi-bin/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl*.

C. How can I file an objection or hearing request?

Under FFDCA section 408(g), 21 U.S.C. 346a(g), any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2021–0161 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing and must be received by the Hearing Clerk on or before October 26, 2021. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2021–0161, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov*. Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.* Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

II. Petition for Exemption

In the **Federal Register** of August 5, 2009 (74 FR 38935) (FRL–8430–1), EPA issued a final rule, announcing the establishment of a tolerance exemption pursuant to a pesticide petition (PP 9E7534) by The Joint Inerts Task Force, Cluster Support Team 1 (CST 1), c/o CropLife America, 1156 15th Street NW, Suite 400, Washington, DC 20005. The petition requested that 40 CFR 180.910, 180.930, 180.940(a), and 180.960 be amended by establishing an exemption from the requirement of a tolerance for residues of a group of substances known as α-alkyl-ω-hydroxypoly(oxypropylene) and/or poly (oxyethylene) polymers where the alkyl chain contains a minimum of 6 carbons, herein referred to in this document as AAA.

The current petition seeks to expand the exemptions for AAA by adding additional CAS Reg. Nos. In the **Federal Register** of March 22, 2021 (86 FR 15162) (FRL–10021–44), EPA issued a document pursuant to FFDCA section 408, 21 U.S.C. 346a, announcing the filing of a pesticide petition (PP IN–11422) by Spring Regulatory Sciences, on behalf of Sasol Chemicals (USA) LLC, 12120 Wickchester Ln., Houston, Texas 77224. The petition requested that 40 CFR 180.910, 180.930, 180.940(a), and 180.960 be amended by

establishing exemptions from the requirement of a tolerance for alcohols, C20–30, ethoxylated (CAS Reg. No. 68439–48–5); alcohols, C16–18, distn. residues, ethoxylated, propoxylated (CAS Reg. No. 2409830–33–5); alcohol, C22, ethoxylated (CAS Reg. No. 26636–40–8); poly(oxy-1,2-ethanediyl), α-(2-butyloctyl)-ω-hydroxy- (CAS Reg. No. 60636–37–5); 2-octyldodecan-1-ol, ethoxylated (CAS Reg. No. 32128–65–7); and alcohols, C16–20, branched, ethoxylated (CAS Reg. No. 161133–70–6). That document referenced a summary of the petition prepared by Spring Regulatory Sciences on behalf of Sasol Chemicals (USA) LLC, the petitioner, which is available in the docket, *http://www.regulations.gov.*

There were no comments received in response to the notice of filing.

Based upon review of the data supporting the petition, EPA determined that CAS Reg. No. 68439–48–5 currently has exemptions from the requirement of a tolerance under the current AAA descriptor in 40 CFR 180.910, 180.930, 180.940(a), and 180.960. EPA has confirmed that the other petitioned CAS Reg. Nos. are acceptable for consideration under the current AAA descriptor. This determination is based on the Agency's risk assessments, which can be found at *http://www.regulations.gov* in documents ''Alkyl Alcohol Alkoxylates (AAA–JITF CST 1 Inert Ingredient), Human Health Risk Assessment to Support Proposed Exemption from the Requirement of a Tolerance when used as an Inert Ingredient in Pesticide Formulations'' and ''Alkyl Alcohol Alkoxylates (AAA–JITF CST 1 Inert Ingredient), Human Health Risk Assessment to Support Proposed Exemption from the Requirement of a Tolerance Under 40 CFR 180.960 When Used as an Inert Ingredient in Pesticide Formulations'' in docket ID number EPA–HQ–OPP–2009–0145.

III. Inert Ingredient Definition

Inert ingredients are all ingredients that are not active ingredients as defined in 40 CFR 153.125 and include, but are not limited to, the following types of ingredients (except when they have a pesticidal efficacy of their own): solvents such as alcohols and hydrocarbons; surfactants such as polyoxyethylene polymers and fatty acids; carriers such as clay and diatomaceous earth; thickeners such as carrageenan and modified cellulose; wetting, spreading, and dispersing agents; propellants in aerosol dispensers; microencapsulating agents; and emulsifiers. The term ''inert'' is not intended to imply nontoxicity; the ingredient may or may not be chemically active. Generally, EPA has exempted inert ingredients from the requirement of a tolerance based on the low toxicity of the individual inert ingredients.

IV. Aggregate Risk Assessment and Determination of Safety

Section 408(c)(2)(A)(i) of FFDCA allows EPA to establish an exemption from the requirement for a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(c)(2)(A)(ii) of FFDCA defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings but does not include occupational exposure. Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue . . . .''

EPA establishes exemptions from the requirement of a tolerance only in those cases where it can be clearly demonstrated that the risks from aggregate exposure to pesticide chemical residues under reasonably foreseeable circumstances will pose no harm to human health. In order to determine the risks from aggregate exposure to pesticide inert ingredients, the Agency considers the toxicity of the inert in conjunction with possible exposure to residues of the inert ingredient through food, drinking water, and through other exposures that occur as a result of pesticide use in residential settings. If EPA is able to determine that a tolerance is not necessary to ensure that there is a reasonable certainty that no harm will result from aggregate exposure to the inert ingredient, an exemption from the requirement of a tolerance may be established.

Consistent with FFDCA section 408(c)(2)(A), and the factors specified in FFDCA section 408(c)(2)(B), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure to alcohols, C16–18, distn. residues, ethoxylated, propoxylated; alcohol, C22, ethoxylated; poly(oxy-1,2-ethanediyl), α- (2-butyloctyl)-ω-hydroxy-; 2-octyldodecan-1-ol, ethoxylated; and alcohols, C16–20, branched, ethoxylated, including exposure resulting from the exemptions established by this action. EPA's assessment of exposures and risks associated with the group of substances known as AAA follows.

In an effort to streamline its publications in the **Federal Register**, EPA is not reprinting sections that repeat what has been previously published for tolerance rulemakings of the same pesticide chemical. Where scientific information concerning a particular chemical remains unchanged, the content of those sections would not vary between tolerance rulemakings, and EPA considers referral back to those sections as sufficient to provide an explanation of the information EPA considered in making its safety determination for the new rulemaking.

EPA has previously published tolerance rulemakings for AAA, in which EPA concluded, based on the available information, that there is a reasonable certainty that no harm would result from aggregate exposure to AAA and established exemptions from the requirement of a tolerance for residues of those chemicals. EPA is incorporating previously published sections from those rulemakings as described further in this rulemaking, as they remain unchanged.

Toxicological Profile. EPA has evaluated the available toxicity data and considered their validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children. Specific information on the studies received and the nature of the adverse effects caused by AAA as well as the no-observed-adverse-effect-level (NOAEL) and the lowest-observed-adverse-effect-level (LOAEL) from the toxicity studies are discussed in Unit IV.A. of the previous AAA tolerance rulemaking published in the **Federal Register** of August 5, 2009 (74 FR 38935) (FRL–8430–1).

Toxicological Points of Departure/ Levels of Concern. For a summary of the Toxicological Points of Departure/ Levels of Concern used for the safety assessment, see Unit IV.B. of the August 5, 2009 rulemaking.

Exposure Assessment. The exposure assessment associated with the 2009 rulemaking for the AAA descriptor included the potential use of all chemicals in this category and therefore no additional exposure is expected from

the exemptions established by this action. For a description of the Agency's approach to and assumptions for the exposure assessments, see Unit IV.C. of the August 5, 2009 rulemaking.

Safety Factor for Infants and Children. EPA continues to conclude that there is reliable data to support the reduction of the Food Quality Protection Act (FQPA) safety factor for infants and children from 10X to 1X. See Unit IV.D. of the August 5, 2009 rulemaking for a discussion of the Agency's rationale for that determination.

Aggregate Risks and Determination of Safety. EPA determines whether acute and chronic dietary pesticide exposures are safe by comparing dietary exposure estimates to the acute population adjusted dose (aPAD) and the chronic population adjusted dose (cPAD). Short-, intermediate-, and chronic-term risks are evaluated by comparing the estimated aggregate food, water, and residential exposure to the appropriate points of departure to ensure that an adequate margin of exposure (MOE) exists. For linear cancer risks, EPA calculates the lifetime probability of acquiring cancer given the estimated aggregate exposure.

An acute dietary exposure assessment was not conducted as toxicological effects attributable to a single dose were not identified. Chronic dietary risks are below the Agency's level of concern of 100% of the cPAD with a value of 37% of the cPAD for children 1 to 2 years old, the population subgroup with the highest exposure estimate. EPA concluded that the short- and intermediate-term aggregated food, water, and residential exposures both resulted in an aggregate MOEs of 110 for children. As the level of concern is for MOEs that are lower than 100, these MOEs are not of concern. The AAAs are not expected to be carcinogenic as described in Unit IV.C. of the August 5, 2009 rulemaking. Therefore, a cancer dietary exposure assessment is not necessary to assess cancer risk.

Based on the risk assessment and information described above, EPA concludes there is a reasonable certainty that no harm will result to the general population, or to infants and children, from aggregate exposure to AAA residues, including residues of alcohols, C16–18, distn. residues, ethoxylated, propoxylated (CAS Reg. No. 2409830–33–5); alcohol, C22, ethoxylated (CAS Reg. No. 26636–40–8); poly(oxy-1,2-ethanediyl), α-(2-butyloctyl)-ω-hydroxy- (CAS Reg. No. 60636–37–5); 2-octyldodecan-1-ol, ethoxylated (CAS Reg. No. 32128–65–7); and alcohols, C16–20, branched, ethoxylated (CAS Reg. No. 161133–70–6). More detailed information about the Agency's analysis can be found at *http://www.regulations.gov* in the documents titled ''Alkyl Alcohol Alkoxylates (AAA—JITF CST 1 Inert Ingredient), Human Health Risk Assessment to Support Proposed Exemption from the Requirement of a Tolerance When Used as an Inert Ingredient in Pesticide Formulations'' and ''Alkyl Alcohol Alkoxylates (AAA–JITF CST 1 Inert Ingredient), Human Health Risk Assessment to Support Proposed Exemption from the Requirement of a Tolerance Under 40 CFR 180.960 When Used as an Inert Ingredient in Pesticide Formulations'' in docket ID number EPA–HQ–OPP–2009–0145.

V. Analytical Enforcement Methodology

An analytical method is not required for enforcement purposes since the Agency is establishing exemptions from the requirement of a tolerance without any numerical limitation.

VI. Conclusions

Therefore, exemptions from the requirement of a tolerance are established for residues of the following α-alkyl-ω-hydroxypoly(oxypropylene) and/or poly (oxyethylene) polymers where the alkyl chain contains a minimum of 6 carbons: alcohols, C16–18, distn. residues, ethoxylated, propoxylated (CAS Reg. No. 2409830–33–5); alcohol, C22, ethoxylated (CAS Reg. No. 26636–40–8); poly(oxy-1,2-ethanediyl), α-(2-butyloctyl)-ω-hydroxy- (CAS Reg. No. 60636–37–5); 2-octyldodecan-1-ol, ethoxylated (CAS Reg. No. 32128–65–7); and alcohols, C16–20, branched, ethoxylated (CAS Reg. No. 161133–70–6) when used as inert ingredients in pesticide formulations pre- and post-harvest under 40 CFR 180.910, applied to animals under 40 CFR 180.930, and in antimicrobial formulations applied to food-contact surfaces in public eating places, dairy-processing equipment, and food-processing equipment and utensils under 40 CFR 180.940(a). Additionally, exemptions from the requirement of a tolerance are established under 40 CFR 180.960 for residues of these substances with a minimum number average molecular weight (in amu) of 1,100 when used as an inert ingredient in pesticide formulations, including antimicrobial formulations.

VII. Statutory and Executive Order Reviews

This action establishes exemptions from the requirement of a tolerance under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993). Because this action has been exempted from review under Executive Order 12866, this action is not subject to Executive Order 13211, entitled ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997). This action does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), nor does it require any special considerations under Executive Order 12898, entitled ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations'' (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the exemptions in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), do not apply.

This action directly regulates growers, food processors, food handlers, and food retailers, not States or Tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, the Agency has determined that this action will not have a substantial direct effect on States or Tribal Governments, on the relationship between the National Government and the States or Tribal Governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian Tribes. Thus, the Agency has determined that Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000) do not apply to this action. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1501 *et seq.*).

This action does not involve any technical standards that would require Agency consideration of voluntary

consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note).

VIII. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), EPA will submit a report containing this rule 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**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: August 20, 2021.

Catherine Aubee,

Acting Director, Registration Division, Office of Pesticide Programs.

Therefore, for the reasons stated in the preamble, EPA is amending 40 CFR chapter I as follows:

PART 180—TOLERANCES AND EXEMPTIONS FOR PESTICIDE CHEMICAL RESIDUES IN FOOD

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. In § 180.910, revise inert ingredient ''α-Alkyl-ω-hydroxypoly (oxypropylene) and/or poly (oxyethylene) polymers where the alkyl chain contains a minimum of six carbons'' in table 1 to read as follows:

§ 180.910 Inert ingredients used pre- and post-harvest; exemptions from the requirement of a tolerance.

* * * * *

TABLE 1 TO 180.910

Inert ingredients	Limits	Uses
* * * * *	*	*
α-Alkyl-ω-hydroxypoly (oxypropylene) and/or poly (oxyethylene) polymers where the alkyl chain contains a minimum of six carbons (CAS Reg. Nos.: 9002–92–0; 9004–95–9; 9004–98–2; 9005–00–9; 9035–85–2; 9038–29–3; 9038–43–1; 9040–05–5; 9043–30–5; 9087–53–0; 25190–05–0; 24938–91–8; 25231–21–4; 251553–55–6; 26183–52–8; 26468–86–0; 26636–39–5; 26636–40–8; 27252–75–1; 27306–79–2; 31726–34–8; 32128–65–7; 34398–01–1; 34398–05–5; 37251–67–5; 37311–00–5; 37311–01–6; 37311–02–7; 37311–04–9; 39587–22–9; 50861–66–0; 52232–09–4; 52292–17–8; 52609–19–5; 57679–21–7; 59112–62–8; 60636–37–5; 60828–78–6; 61702–78–1; 61723–78–2; 61725–89–1; 61791–13–7; 61791–20–6; 61791–28–4; 61804–34–0; 61827–42–7; 61827–84–7; 62648–50–4; 63303–01–5; 63658–45–7; 63793–60–2; 64366–70–7; 64415–24–3; 64415–25–4; 64425–86–1; 65104–72–5; 65150–81–4; 66455–14–9: 66455–15–0; 67254–71–1; 67763–08–0; 68002–96–0; 68002–97–1; 68131–39–5; 68131–40–8; 68154–96–1; 68154–97–2; 68154–98–3; 68155–01–1; 68213–23–0; 68213–24–1; 68238–81–3; 68238–82–4; 68409–58–5; 68409–59–6; 68439–30–5; 68439–45–2; 68439–46–3; 68439–48–5; 68439–49–6; 68439–50–9; 68439–51–0; 68439–53–2; 68439–54–3; 68458–88–8; 68526–94–3; 68526–95–4; 68551–12–2; 68551–13–3; 68551–14–4; 68603–20–3; 68603–25–8; 68920–66–1; 68920–69–4; 68937–66–6; 68951–67–7; 68954–94–9; 68987–81–5; 68991–48–0; 69011–36–5; 69013–18–9; 69013–19–0; 69227–20–9; 69227–21–0; 69227–22–1; 69364–63–2; 70750–27–5; 70879–83–3; 70955–07–6; 71011–10–4; 71060–57–6; 71243–46–4; 72066–65–0; 72108–90–8; 72484–69–6; 72854–13–8; 72905–87–4; 73018–31–2; 73049–34–0; 74432–13–6; 74499–34–6; 78330–19–5; 78330–20–8; 78330–21–9; 78330–23–1; 79771–03–2; 84133–50–6; 85422–93–1; 97043–91–9; 97953–22–5; 102782–43–4; 103331–86–8; 103657–84–7; 103657–85–8; 103818–93–5; 103819–03–0; 106232–83–1; 111905–54–5; 116810–31–2; 116810–32–3; 116810–33–4; 120313–48–6; 120944–68–5; 121617–09–2; 126646–02–4; 126950–62–7; 127036–24–2; 139626–71–4; 152231–44–2; 154518–36–2; 157627–86–6; 157627–88–8; 157707–41–0; 157707–43–2; 159653–49–3; 160875–66–1; 160901–20–2; 160901–09–7; 160901–19–9; 161025–21–4; 161025–22–5; 161133–70–6; 166736–08–9; 169107–21–5; 172588–43–1; 176022–76–7; 196823–11–7; 287935–46–0; 288260–45–7; 303176–75–2; 954108–36–2; 2222805–23–2; 2409830–33–5).		Surfactants, related adjuvants of surfactants.
* * * * *	*	*

■ 3. In § 180.930, revise inert ingredient ''α-Alkyl-ω-hydroxypoly (oxypropylene) and/or poly (oxyethylene) polymers where the alkyl chain contains a minimum of six carbons'' in table 1 to read as follows:

§ 180.930 Inert ingredients applied to animals; exemptions from the requirement of a tolerance.

* * * * *

TABLE 1 TO 180.930

Inert ingredients	Limits	Uses
* * * * * * *		
α-Alkyl-ω-hydroxypoly (oxypropylene) and/or poly (oxyethylene) polymers where the alkyl chain contains a minimum of six carbons (CAS Reg. Nos.: 9002–92–0; 9004–95–9; 9004–98–2; 9005–00–9; 9035–85–2; 9038–29–3; 9038–43–1; 9040–05–5; 9043–30–5; 9087–53–0; 25190–05–0; 24938–91–8; 25231–21–4; 251553–55–6; 26183–52–8; 26468–86–0; 26636–39–5; 26636–40–8; 27252–75–1; 27306–79–2; 31726–34–8; 32128–65–7; 34398–01–1; 34398–05–5; 37251–67–5; 37311–00–5; 37311–01–6; 37311–02–7; 37311–04–9; 39587–22–9; 50861–66–0; 52232–09–4; 52292–17–8; 52609–19–5; 57679–21–7; 59112–62–8; 60636–37–5; 60828–78–6; 61702–78–1; 61723–78–2; 61725–89–1; 61791–13–7; 61791–20–6; 61791–28–4; 61804–34–0; 61827–42–7; 61827–84–7; 62648–50–4; 63303–01–5; 63658–45–7; 63793–60–2; 64366–70–7; 64415–24–3; 64415–25–4; 64425–86–1; 65104–72–5; 65150–81–4; 66455–14–9: 66455–15–0; 67254–71–1; 67763–08–0; 68002–96–0; 68002–97–1; 68131–39–5; 68131–40–8; 68154–96–1; 68154–97–2; 68154–98–3; 68155–01–1; 68213–23–0; 68213–24–1; 68238–81–3; 68238–82–4; 68409–58–5; 68409–59–6; 68439–30–5; 68439–45–2; 68439–46–3; 68439–48–5; 68439–49–6; 68439–50–9; 68439–51–0; 68439–53–2; 68439–54–3; 68458–88–8; 68526–94–3; 68526–95–4; 68551–12–2; 68551–13–3; 68551–14–4; 68603–20–3; 68603–25–8; 68920–66–1; 68920–69–4; 68937–66–6; 68951–67–7; 68954–94–9; 68987–81–5; 68991–48–0; 69011–36–5; 69013–18–9; 69013–19–0; 69227–20–9; 69227–21–0; 69227–22–1; 69364–63–2; 70750–27–5; 70879–83–3; 70955–07–6; 71011–10–4; 71060–57–6; 71243–46–4; 72066–65–0; 72108–90–8; 72484–69–6; 72854–13–8; 72905–87–4; 73018–31–2; 73049–34–0; 74432–13–6; 74499–34–6; 78330–19–5; 78330–20–8; 78330–21–9; 78330–23–1; 79771–03–2; 84133–50–6; 85422–93–1; 97043–91–9; 97953–22–5; 102782–43–4; 103331–86–8; 103657–84–7; 103657–85–8; 103818–93–5; 103819–03–0; 106232–83–1; 111905–54–5; 116810–31–2; 116810–32–3; 116810–33–4; 120313–48–6; 120944–68–5; 121617–09–2; 126646–02–4; 126950–62–7; 127036–24–2; 139626–71–4; 152231–44–2; 154518–36–2; 157627–86–6; 157627–88–8; 157707–41–0; 157707–43–2; 159653–49–3; 160875–66–1; 160901–20–2; 160901–09–7; 160901–19–9; 161025–21–4; 161025–22–5; 161133–70–6; 166736–08–9; 169107–21–5; 172588–43–1; 176022–76–7; 196823–11–7; 287935–46–0; 288260–45–7; 303176–75–2; 954108–36–2; 2222805–23–2; 2409830–33–5).		Surfactants, related adjuvants of surfactants.
* * * * * * *		

■ 4. In § 180.940, revise inert ingredient ''α-Alkyl-ω-hydroxypoly (oxypropylene) and/or poly (oxyethylene) polymers where the alkyl chain contains a minimum of six carbons'' in the table in paragraph (a) to read as follows:

§ 180.940 Tolerance exemptions for active and inert ingredients for use in antimicrobial formulations (Food-contact surface sanitizing solutions).

* * * * *

(a) * * *

TABLE 180.940(a)

Pesticide chemical	CAS Reg. No.	Limits
* *	* * * * *	*
α-Alkyl-ω-hydroxypoly (oxypropylene) and/or poly (oxyethylene) polymers where the alkyl chain contains a minimum of six carbons.	9002–92–0; 9004–95–9; 9004–98–2; 9005–00–9; 9035–85–2; 9038–29–3; 9038–43–1; 9040–05–5; 9043–30–5; 9087–53–0; 25190–05–0; 24938–91–8; 25231–21–4; 251553–55–6; 26183–52–8; 26468–86–0; 26636–39–5; 26636–40–8; 27252–75–1; 27306–79–2; 31726–34–8; 32128–65–7; 34398–01–1; 34398–05–5; 37251–67–5; 37311–00–5; 37311–01–6; 37311–02–7; 37311–04–9; 39587–22–9; 50861–66–0; 52232–09–4; 52292–17–8; 52609–19–5; 57679–21–7; 59112–62–8; 60636–37–5; 60828–78–6; 61702–78–1; 61723–78–2; 61725–89–1; 61791–13–7; 61791–20–6; 61791–28–4; 61804–34–0; 61827–42–7; 61827–84–7; 62648–50–4; 63303–01–5; 63658–45–7; 63793–60–2; 64366–70–7; 64415–24–3; 64415–25–4; 64425–86–1; 65104–72–5; 65150–81–4; 66455–14–9: 66455–15–0; 67254–71–1; 67763–08–0; 68002–96–0; 68002–97–1; 68131–39–5; 68131–40–8; 68154–96–1; 68154–97–2; 68154–98–3; 68155–01–1; 68213–23–0; 68213–24–1; 68238–81–3; 68238–82–4; 68409–58–5; 68409–59–6; 68439–30–5; 68439–45–2; 68439–46–3; 68439–48–5; 68439–49–6; 68439–50–9; 68439–51–0; 68439–53–2; 68439–54–3; 68458–88–8; 68526–94–3; 68526–95–4; 68551–12–2; 68551–13–3; 68551–14–4; 68603–20–3; 68603–25–8; 68920–66–1; 68920–69–4; 68937–66–6; 68951–67–7; 68954–94–9; 68987–81–5; 68991–48–0; 69011–36–5; 69013–18–9; 69013–19–0; 69227–20–9; 69227–21–0; 69227–22–1; 69364–63–2; 70750–27–5; 70879–83–3; 70955–07–6; 71011–10–4; 71060–57–6; 71243–46–4; 72066–65–0; 72108–90–8; 72484–69–6; 72854–13–8; 72905–87–4; 73018–31–2; 73049–34–0; 74432–13–6; 74499–34–6; 78330–19–5; 78330–20–8; 78330–21–9; 78330–23–1; 79771–03–2; 84133–50–6; 85422–93–1; 97043–91–9; 97953–22–5; 102782–43–4; 103331–86–8; 103657–84–7; 103657–85–8; 103818–93–5; 103819–03–0; 106232–83–1; 111905–54–5; 116810–31–2; 116810–32–3; 116810–33–4; 120313–48–6; 120944–68–5; 121617–09–2; 126646–02–4; 126950–62–7; 127036–24–2; 139626–71–4; 152231–44–2; 154518–36–2; 157627–86–6; 157627–88–8; 157707–41–0; 157707–43–2; 159653–49–3; 160875–66–1; 160901–20–2; 160901–09–7; 160901–19–9; 161025–21–4; 161025–22–5; 161133–70–6; 166736–08–9; 169107–21–5; 172588–43–1; 176022–76–7; 196823–11–7; 287935–46–0; 288260–45–7; 303176–75–2; 954108–36–2; 2222805–23–2; 2409830–33–5.	None.
* *	* * * * *	*

* * * * *

■ 5. In § 180.960, revise entry ''α-Alkyl-ω-hydroxypoly (oxypropylene) and/or poly (oxyethylene) polymers where the alkyl chain contains a minimum of six carbons and a minimum number average molecular weight (in amu) 1,100'' in the table to read as follows:

§ 180.960 Polymers; exemptions from the requirement of a tolerance.

* * * * *

Polymer	CAS No.
* * * * * * *	
α-Alkyl-ω-hydroxypoly (oxypropylene) and/or poly (oxyethylene) polymers where the alkyl chain contains a minimum of six carbons and a minimum number average molecular weight (in amu) 1,100.	9002–92–0; 9004–95–9; 9004–98–2; 9005–00–9; 9035–85–2; 9038–29–3; 9038–43–1; 9040–05–5; 9043–30–5; 9087–53–0; 25190–05–0; 24938–91–8; 25231–21–4; 251553–55–6; 26183–52–8; 26468–86–0; 26636–39–5; 26636–40–8; 27252–75–1; 27306–79–2; 31726–34–8; 32128–65–7; 34398–01–1; 34398–05–5; 37251–67–5; 37311–00–5; 37311–01–6; 37311–02–7; 37311–04–9; 39587–22–9; 50861–66–0; 52232–09–4; 52292–17–8; 52609–19–5; 57679–21–7; 59112–62–8; 60636–37–5; 60828–78–6; 61702–78–1; 61723–78–2; 61725–89–1; 61791–13–7; 61791–20–6; 61791–28–4; 61804–34–0; 61827–42–7; 61827–84–7; 62648–50–4; 63303–01–5; 63658–45–7; 63793–60–2; 64366–70–7; 64415–24–3; 64415–25–4; 64425–86–1; 65104–72–5; 65150–81–4; 66455–14–9: 66455–15–0; 67254–71–1; 67763–08–0; 68002–96–0; 68002–97–1; 68131–39–5; 68131–40–8; 68154–96–1; 68154–97–2; 68154–98–3; 68155–01–1; 68213–23–0; 68213–24–1; 68238–81–3; 68238–82–4; 68409–58–5; 68409–59–6; 68439–30–5; 68439–45–2; 68439–46–3; 68439–48–5; 68439–49–6; 68439–50–9; 68439–51–0; 68439–53–2; 68439–54–3; 68458–88–8; 68526–94–3; 68526–95–4; 68551–12–2; 68551–13–3; 68551–14–4; 68603–20–3; 68603–25–8; 68920–66–1; 68920–69–4; 68937–66–6; 68951–67–7; 68954–94–9; 68987–81–5; 68991–48–0; 69011–36–5; 69013–18–9; 69013–19–0; 69227–20–9; 69227–21–0; 69227–22–1; 69364–63–2; 70750–27–5; 70879–83–3; 70955–07–6; 71011–10–4; 71060–57–6; 71243–46–4; 72066–65–0; 72108–90–8; 72484–69–6; 72854–13–8; 72905–87–4; 73018–31–2; 73049–34–0; 74432–13–6; 74499–34–6; 78330–19–5; 78330–20–8; 78330–21–9; 78330–23–1; 79771–03–2; 84133–50–6; 85422–93–1; 97043–91–9; 97953–22–5; 102782–43–4; 103331–86–8; 103657–84–7; 103657–85–8; 103818–93–5; 103819–03–0; 106232–83–1; 111905–54–5; 116810–31–2; 116810–32–3; 116810–33–4; 120313–48–6; 120944–68–5; 121617–09–2; 126646–02–4; 126950–62–7; 127036–24–2; 139626–71–4; 152231–44–2; 154518–36–2; 157627–86–6; 157627–88–8; 157707–41–0; 157707–43–2; 159653–49–3; 160875–66–1; 160901–20–2; 160901–09–7; 160901–19–9; 161025–21–4; 161025–22–5; 161133–70–6; 166736–08–9; 169107–21–5; 172588–43–1; 176022–76–7; 196823–11–7; 287935–46–0; 288260–45–7; 303176–75–2; 954108–36–2; 2222805–23–2; 2409830–33–5
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DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

49 CFR Part 385

[Docket No. FMCSA–2019–0081]

RIN 2126–AA64

Certification for Conducting Driver or Vehicle Inspections, Safety Audits, or Investigations

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: FMCSA incorporates by reference in its regulations the Commercial Vehicle Safety Alliance's (CVSA) ''Operational Policy 4: Inspector Training and Certification,'' as required by the Fixing America's Surface Transportation Act (FAST Act). The CVSA policy provides the current policy and practices for FMCSA employees, State or local government employees, and contractors to obtain and maintain certification for conducting driver or vehicle inspections. It has been Attachment A to FMCSA's ''Certification Policy for Employees Who Perform Inspections, Investigations, and Safety Audits.'' Consistent with the requirements of the FAST Act, this rule substitutes the most recent version of the CVSA policy, reflecting revisions to the version referenced in the July 8, 2019 notice of proposed rulemaking (NPRM). The revisions include availability of inspector certification extensions under declared emergency situations adopted in response to the COVID–19 National emergency. This rule also replaces an interim final rule (IFR) in place since 2002.

DATES: This final rule is effective August 27, 2021. The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of August 27, 2021.

Petitions for Reconsideration of this final rule must be submitted to the FMCSA Administrator no later than September 27, 2021.

FOR FURTHER INFORMATION CONTACT: Mr. Paul Bomgardner, Chief, Hazardous Materials Division, Office of Enforcement and Compliance, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, (202) 493–0027, *paul.bomgardner@dot.gov.* If you have questions on viewing or submitting material to the docket, contact Dockets Operations, (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Rulemaking Documents

A. Availability of Rulemaking Documents

For access to docket FMCSA–2019–0081 to read background documents and comments received, go to *https://www.regulations.gov* at any time, or to Dockets Operations at U.S. Department of Transportation, Room W12–140, 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.

B. Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice DOT/ALL 14—Federal Docket Management System, which can be reviewed at *www.transportation.gov/privacy.*

II. Executive Summary

A. Summary of the Regulatory Action

Under section 5205 of the FAST Act (note following 49 U.S.C. 31148), the FMCSA Administrator is required to incorporate by reference the certification standards for conducting driver or vehicle inspections [1] issued by CVSA. CVSA's ''Operational Policy 4: Inspector Training and Certification'' provides the current policy and practices for FMCSA employees, State or local government employees, and contractors to obtain and maintain certification for conducting driver or vehicle inspections. It has been Attachment A to FMCSA's ''Certification Policy for Employees Who Perform Inspections, Investigations, and Safety Audits.'' Consistent with the requirements of the FAST Act and current certification processes, this rule incorporates by reference in its regulations CVSA's policy and substitutes the most recent version of the CVSA policy. This rule reflects revisions to the version referenced in the July 8, 2019 NPRM (84 FR 32379), including availability of inspector certification extensions under declared emergency situations adopted in response to the COVID–19 National emergency. Specific changes are addressed in connection with CVSA's comment to the proposed rulemaking and subsequent updates in Section V, below.

In the NPRM, FMCSA proposed to replace an IFR titled ''Certification of Safety Auditors, Safety Investigators, and Safety Inspectors,'' published March 19, 2002 (67 FR 12776), in part, by formally incorporating by reference the FMCSA certification policy in its regulations. For the reasons discussed in the following paragraph, FMCSA takes a different procedural approach in this final rule and does not incorporate the FMCSA certification policy. Accordingly, FMCSA now replaces the IFR by amending some of its provisions and republishing other provisions without change.

FMCSA initially proposed incorporating its own certification policy because CVSA's policy has been included as an attachment within that policy. However, as discussed in detail below, since this rulemaking began, CVSA has revised its policy three times. The frequent revisions have prompted FMCSA to determine that it will be administratively easier for the Agency to respond to future revisions of the CVSA policy if it is not included as an attachment in the FMCSA certification policy. Also, the approach of incorporating by reference in FMCSA's regulations only the CVSA policy is simpler and less confusing. As of the effective date of this rule, FMCSA will remove the CVSA policy as an attachment to FMCSA's certification policy. Therefore, it is no longer necessary to incorporate FMCSA's certification policy. While minor changes will be made in FMCSA's certification policy to conform cross references to the CVSA policy, no substantive changes will be made to FMCSA's policy or the certification requirements. FMCSA's policy addresses certification requirements to conduct safety audits and investigations, and supplements the provisions of CVSA's policy, particularly as applicable to FMCSA employees.

The certification policy applies only to FMCSA employees and contractors and State or local government employees and contractors funded through FMCSA's Motor Carrier Safety Assistance Program (MCSAP) who wish to obtain or maintain certification to conduct driver or vehicle inspections, safety audits, or investigations. This rule does not change any regulatory requirements applicable to motor carriers, drivers, or commercial motor vehicles (CMV). As such, there is no impact on motor carriers or drivers.

B. Costs and Benefits

There are neither costs nor benefits associated with this rule.

III. Legal Basis for the Rulemaking

FMCSA's authority for this rule is from two statutes, section 211 of the Motor Carrier Safety Improvement Act of 1999 (MCSIA),[2] and section 5205 of the FAST Act.[3]

Section 211 of the MCSIA requires the Secretary of Transportation to issue regulations ''to improve training and provide for the certification of motor carrier safety auditors . . . to conduct safety inspection audits and reviews'' under specified statutory provisions (49 U.S.C. 31148(a)). Subject to a grandfathering provision applicable to Federal and State employees who were qualified to conduct a safety inspection audit or review on December 9, 1999, the statute requires that covered safety inspection audits or reviews be conducted by individuals certified under the regulations (49 U.S.C. 31148(b)). While private contractors are authorized to obtain certification, the Secretary is not permitted to delegate authority to private contractors to issue ratings or operating authority (49 U.S.C. 31148(a) and (d)). Finally, the statute grants the Secretary authority over certified safety auditors, including the authority to withdraw their certification (49 U.S.C. 31148(e)). On March 19, 2002, FMCSA issued an IFR implementing this statutory provision (67 FR 12776).

Section 5205 of the FAST Act requires FMCSA's Administrator to revise 49 CFR part 385 ''to incorporate by reference the certification standards for roadside inspectors issued by the Commercial Vehicle Safety Alliance'' (note following 49 U.S.C. 31148).

The Administrative Procedure Act (APA) specifically provides exceptions to its notice and comment rulemaking procedures when an agency finds there is good cause to dispense with them, and incorporates the finding and a brief statement of the reasons for such action in the rules issued (5 U.S.C. 553(b)(3)(B)). Good cause exists when an agency determines that notice and public comment procedures are impractical, unnecessary, or contrary to the public interest. The APA also allows agencies to make rules effective immediately with good cause (5 U.S.C. 553(d)(3)), instead of requiring publication 30 days prior to the effective date.

During the comment period, CVSA informed FMCSA that its ''Operational Policy 4: Inspector Training and Certification'' was revised on April 4, 2019, and encouraged FMCSA to incorporate the then-current revision, rather than the version dated September 21, 2017 referenced in the proposed rule. After the comment period, FMCSA learned from CVSA that its policy was further revised on March 30, 2020, in response to the COVID–19 National emergency, and revised again on April 29, 2021.

The changes made in the April 4, 2019 revision are largely minor or administrative in nature. However, in addition to minor changes of a similar nature, the March 30, 2020 revision makes changes needed to give jurisdictions the ability to extend time periods under declared emergencies when, as in the current unprecedented and unexpected COVID–19 National emergency, individuals are prevented from completing training or performing the required number of inspections necessary to obtain or maintain certification. The changes made in the

[1] FMCSA uses the term ''driver or vehicle inspection'' in lieu of the term ''roadside inspection,'' recognizing that these inspections are not necessarily conducted at ''roadside.''

[2] Public Law 106–159, 113 Stat. 1748, 1765–66 (Dec. 9, 1999), codified at 49 U.S.C. 31148.

[3] Public Law 114–94, 129 Stat. 1312, 1537 (Dec. 4, 2015), note following 49 U.S.C. 31148.

April 29, 2021 revision are again minor. Specific changes made in each revision are addressed in Section V, below.

During the COVID–19 National emergency, many individuals have not been able to complete inspections necessary to obtain or maintain certification because the majority of inspection facilities have not been open or have been open only sporadically. In addition, until recently, the Agency has observed maximum telework, so inspectors were generally not permitted to go to inspection facilities. In facilities where inspections were being performed, staffing levels were reduced and rotated to meet social distancing guidelines. Because of these limitations, some individuals have not been able to complete the number of inspections in the applicable time periods to satisfy the requirements to obtain or maintain certification, which could result in job loss. Without an extension to complete the certification requirements, such individuals would have to start the certification process over by repeating course work or challenging the examination and performing 32 inspections, which would reduce the number of inspectors available to perform inspections. The potential shortage of certified inspectors could have an adverse impact on CMV safety.

The COIVD–19 National emergency is outside the Agency's control and its widespread impact could not be foreseen. Accordingly, the public interest is best served by adopting the most recent version of ''Operational Policy 4: Inspector Training and Certification'' immediately without further public comment or a delayed effective date, to ensure there is an adequate number of certified individuals available to perform inspections as the COVID–19 National emergency abates and to ensure CMV safety is not compromised. Moreover, given that the FAST Act requires the FMCSA Administrator to incorporate by reference CVSA's certification standards, the Agency is performing nondiscretionary, ministerial acts in accommodating CVSA's changes. The changes to the CVSA policy also do not impose any material new requirements or increase compliance obligations. Finally, a delayed effective date is unnecessary because this rule incorporates the most recent version of CVSA's policy that is already in effect. For these reasons, FMCSA finds good cause that further notice and public comment on this final rule are unnecessary and impracticable, and finds good cause for this rule to be effective immediately.

This rule replaces the 2002 IFR issued under section 211 of the MCSIA and carries out section 5205 of the FAST Act.

IV. Discussion of Proposed Rulemaking

FMCSA published an NPRM on July 8, 2019 (84 FR 32379). In that NPRM, FMCSA proposed to replace the 2002 IFR by incorporating by reference FMCSA's ''Certification Policy for Employees Who Perform Inspections, Investigations, and Safety Audits.'' The NPRM also proposed to incorporate by reference the September 21, 2017 version of CVSA's ''Operational Policy 4: Inspector Training and Certification,'' which, at the time, was Attachment A of FMCSA's policy. Finally, FMCSA proposed to republish the definition of the term *safety audit* as it was published in the 2002 IFR to allow comment on the definition.

V. Public Comments

A. Comments to the Proposed Rulemaking; Subsequent Updates

Only one timely comment, from CVSA, was received in response to the NPRM. CVSA commended FMCSA for proposing to incorporate by reference CVSA's ''Operational Policy 4: Inspector Training and Certification'' because it provides a uniform standard for training and certifying inspectors to ensure they have the knowledge needed to conduct effective driver or vehicle inspections. However, CVSA noted that its ''Operational Policy 4: Inspector Training and Certification'' was revised on April 4, 2019 and encouraged FMCSA to incorporate the then-current revision rather than the version dated September 21, 2017 referenced in the proposed rule.

Subsequent to the comment period, FMCSA learned from CVSA that ''Operational Policy 4: Inspector Training and Certification'' was further revised on March 30, 2020, in response to the COVID–19 National emergency to address jurisdictions' ability to extend inspectors' certifications under certain declared emergencies, and revised again on April 29, 2021. These revisions are discussed further below.

B. Agency Response

Consistent with the intent of section 5205 of the FAST Act,[4] the comment submitted by CVSA, and current certification processes, including availability of emergency extensions, FMCSA incorporates in its regulations the latest revision of CVSA's ''Operational Policy 4: Inspector Training and certification,'' revised April 29, 2021 (including the April 4, 2019, March 30, 2020, and April 29, 2021 amendments). This revision is available at *https://www.fmcsa.dot.gov/certification*.[5]

FMCSA has compared the April 4, 2019 revisions to ''Operational Policy 4: Inspector Training and Certification'' [6] and the version cited in the July 8, 2019 NPRM and determined that the changes are largely minor or administrative. On page 1 of the April 4, 2019 revision, under the heading ''General,'' a new paragraph is added at the end providing that an individual or agency seeking training approval must contact the appropriate jurisdiction's representative responsible for training coordination. If the jurisdiction's representative receives a request from outside the jurisdiction, the representative must ensure that the requester's jurisdictional representative for training coordination has granted permission. The purpose of the addition is to ensure that agencies go through a jurisdiction's MCSAP lead-agency, given that training is generally funded through MCSAP funds.

On page 6, under the prerequisites for ''Other Bulk Packaging Inspection Certificate,'' the need for a North American Standard Cargo Tank Inspection certificate is eliminated. The CVSA hazardous materials and training committees recognized that the background for the two types of inspections is significantly different and that there is no need to be certified for cargo tank inspections to do other bulk packaging inspections and vice-versa. The required training for the two certifications is now distinct, but it does not create new training requirements.

In addition to minor changes of a similar nature, the March 30, 2020 revision [7] makes changes needed to give jurisdictions the ability to extend time periods under declared emergencies when individuals are prevented from completing training or performing the required number of inspections necessary to obtain or maintain certification. Specifically, on page 2 of the March 30, 2020 revision, language is added, defining *Declared Emergency* as ''[a]n emergency situation that has been declared by a federal, state, provincial, territorial or local government authority

[4] Public Law 114–94, 129 Stat. 1312, 1537 (Dec. 4, 2015), note following 49 U.S.C. 31148.

[5] This document is also available at the locations referenced in 49 CFR 385.4, as adopted in this rule, and in the docket for this rulemaking.

[6] This document is available in the docket for this rulemaking, *https://www.regulations.gov/document?D=FMCSA-2019-0081-0006*.

[7] This document is available in the docket for this rulemaking, *https://www.regulations.gov/document?D=FMCSA-2019-0081-0009* and *https://www.regulations.gov/document?D=FMCSA-2019-0081-0008*.

that removes an inspector from the responsibility or ability to conduct inspections. This includes, but is not limited to fire, flood, drought, pestilence, famine, disease, hurricanes, tornadoes, etc.'' On page 8, the March 30, 2020 revision addresses initial certifications, providing that, in the case of a declared emergency, if an inspector is unable to conduct the inspections within the required 6-month time frame, the applicable lead agency may provide the inspector an extension not exceeding 6 months. However, if the declared emergency lasts beyond the 6-month extension, an inspector must attend applicable courses, pass required exams, and complete required inspections. The applicable jurisdiction is responsible for ensuring proficiency once initial inspections are completed.

Under the Standards for Inspector Decertification/Dequalification, on page 14 of the March 30, 2020 revision, a provision is added addressing declared emergencies affecting an inspector's ability to maintain any certification other than Level VI (Transuranic Waste and Highway Route Controlled Qualities (HRCQ) of Radioactive Material) and Performance-Based Brake Tester Qualification. If an inspector cannot complete the required inspections during a 3-month extension period available under the policy, the March 30, 2020 revision allows the lead agency to grant a further extension lasting no more than 3 months beyond the end of the declared emergency. Finally, on page 10, the March 30, 2020 revision addresses similar extensions in cases of declared emergencies for those with Level VI certifications and qualification as a performance-based brake tester.

The April 29, 2021 revision makes changes needed to give all trainee inspectors a full 6 months to complete the applicable number of required inspections. Specifically, on pages 2 (Level I Certification), 3 (Level II and III Certification), and 4 (Level V Certification), the prior version provided inspections are to be completed no later than 6 months after passing the required written exam or exams, as applicable. The revision removes the word ''written'' because not all exams are written and adds a sentence. It reads: ''Agencies that have additional classroom training elements immediately following the exam may have the six-month time frame begin after all the classroom training is completed.'' Some programs have classroom training that continues several weeks after the required formal exam(s), during which time inspections cannot be performed. The April 29, 2021 revision addresses these situations and ensures trainee inspectors are not disadvantaged if a program provides classroom training after the exam(s) are completed.

At the end of the section labeled ''Level II Certification'' on page 3, the April 29, 2021 revision adds a paragraph that provides successful completion of Level II certification training also qualifies an inspector to receive a Certificate of Proficiency to conduct Level III inspections and, if the inspection includes a specific component identified in the Level II Inspection Procedure, Level IV inspections. This clarifies that successful completion of Level II certification includes certification to conduct Level III or certain focused inspections. Similarly, at the end of the section labeled ''Level III Certification'' on page 4, the April 29, 2021 revision adds language that provides successful completion of Level III certification training also qualifies an inspector to receive a Certificate of Proficiency to conduct Level IV inspections if the inspection includes a specific component identified in the Level III Inspection Procedure. Finally, at the end of the section labeled ''Level V Certification'' on page 4, the April 29, 2021 revision adds language that provides successful completion of Level V certification training also qualifies an inspector to receive a Certificate of Proficiency to conduct Level IV inspections if the inspection includes a specific component identified in the Level V Inspection Procedure.

Other changes are simply technical or administrative measures.[8]

VI. Incorporation by Reference

In accordance with section 5205 of the FAST Act (note following 49 U.S.C. 31148), FMCSA incorporates by reference in its regulations CVSA's ''Operational Policy 4: Inspector Training and Certification,'' revised April 29, 2021. This rule amends 49 CFR 385.4, Matter incorporated by reference, to include CVSA's policy on the list of materials incorporated and to identify the specific section that relies upon the material. The policy is referenced in § 385.207.

The CVSA policy ensures that CMV inspectors uploading driver or vehicle inspection reports and data into FMCSA information systems are certified under a training program that is approved by CVSA. The policy provides the standards for initial inspector certification and maintenance of inspector certification. It also provides the decertification process and paths to regain certification.

The CVSA policy provides the minimum training and testing requirements and number of inspections an individual must complete to be certified to conduct the following types of driver or vehicle inspections:

- North American Standard Level I, II, III, and V Inspections;
- Hazardous Materials/Dangerous Goods Inspection;
- Cargo Tank Inspection;
- Other Bulk Packaging Inspection;
- Passenger Carrier Vehicle Inspection;
- North American Standard Level VI Inspection for Transuranic Waste and Highway Route Controlled Quantities (HRCQ) of Radioactive Material; and
- Performance-Based Brake Testing.

CVSA's ''Operational Policy 4: Inspector Training and Certification'' is available in the docket for this rulemaking. Additionally, the material is available, and will continue to be available, for inspection at the FMCSA, Office of Enforcement and Compliance, 1200 New Jersey Avenue SE, Washington, DC 20590 (Attention: Chief, Compliance Division) at (202) 366–1812, and online at *https://www.fmcsa.dot.gov/certification.*

VII. Section-by-Section Analysis

This section-by-section analysis describes changes from the proposed rule in numerical order. With respect to subpart C of part 385, changes from the existing regulatory text also are explained.

A. Section 385.3 Definitions and Acronyms

This section is adopted as proposed in the July 8, 2019 NPRM. As stated in the NPRM, FMCSA republishes the definition of *safety audit* in paragraph (2) of the definition of *reviews* without change as a procedural necessity to replace the 2002 IFR.

B. Section 385.4 Matter Incorporated by Reference

Many changes proposed to § 385.4 in the NPRM are no longer necessary. For

[8] For example, on page 3 of the April 4, 2019 revision, under Level II certification, a change is made to reflect that either Level I or Level II inspections may count toward the 32-inspection minimum. Throughout the notes included under each certification standard, the appropriate certification description is inserted in describing the type of inspections not permitted absent certification (in lieu of references to Level I inspection in the 2017 policy); this appears to correct a typographical error. On page 1 of that revised policy, under the heading ''General,'' the word ''Inspection'' is inserted after the term ''Hazardous Materials/Dangerous Goods.'' On page 4 of the March 30, 2020 revision, a missing word was inserted and references to the availability of refresher training were inserted in appropriate locations.

example, most of the proposed changes to paragraph (a) to update the locations where incorporated materials can be obtained are no longer necessary because the updates were made in different rules (84 FR 32323, 32326 (July 8, 2019); 85 FR 10307, 10310 (Feb. 24, 2020)). The exception is that FMCSA amends paragraph (a) to provide a new email address (*fr.inspection@nara.gov*) for the National Archives and Records Administration. Because FMCSA takes the simpler approach in this final rule of incorporating by reference only CVSA's policy, proposed paragraph (c) to incorporate FMCSA's policy is no longer necessary. Because it is no longer helpful to restate the entire section for clarity, the restatement of paragraph (b)(1) pertaining to other CVSA materials incorporated by reference, which are unrelated to this rule, is unnecessary.

In this final rule, FMCSA amends the paragraph (b) introduction by adding the acronym ''CVSA.'' The Agency revises proposed paragraph (b)(2) to reference the CVSA ''Operational Policy 4: Inspector Training and Certification'' April 29, 2021 revision of the policy (including the April 4, 2019, March 30, 2020, and April 29, 2021 amendments), consistent with the requirements of the FAST Act and current certification processes. FMCSA adds the term ''CVSA Operational Policy 4'' to make the related sections more concise. FMCSA deletes the proposed reference to the CVSA policy being available as attachment A of the FMCSA certification policy and changes proposed ''§ 385.209'' to ''§ 385.207,'' to reflect the final rule section designation.

C. Subpart C—Certification of Safety Auditors, Safety Investigators, and Safety Inspectors

The NPRM proposed to remove and reserve §§ 385.201, 385.203, and 385.205 and add new §§ 385.207, 385.209, and 385.211 to accomplish the incorporation of both the CVSA and FMCSA policies. Because FMCSA takes the simpler approach in this final rule of incorporating by reference only CVSA's policy, FMCSA essentially needs only to amend the existing sections by removing references to inspections and adding a new § 385.207 to address inspections. Accordingly, there is no need to amend the subpart heading.

However, since the existing regulations are nearly 20 years old, the Agency adopts most of the terminology and other updates or changes proposed in the NPRM. For example, FMCSA adopts the current language for describing driver or vehicle inspections. The word ''individual'' replaces ''person'' and certain referenced pronouns. When employees are referenced, FMCSA includes contractors as proposed. The Agency adopts the updated physical and website addresses for this part as proposed in § 385.4. FMCSA removes the unnecessary acronym ''MCSAP'' also as proposed.

FMCSA continues to update the June 17, 2002 date used for the grandfather provisions. However, the NPRM was prepared under the assumption that the final rule would be effective 60 days after it was published. As discussed above in Section III, the Agency finds good cause to make this rule effective immediately. Accordingly, the referenced date is changed to reflect the date the final rule is published in the **Federal Register**, rather than 60 days following publication of the rule.

Section 385.201 Who is qualified to perform a safety audit or investigation, including review, of a motor carrier or an intermodal equipment provider?

In addition to adopting use of contractor and individual, eliminating use of MCSAP, and updating the date of the grandfather clause, FMCSA amends § 385.201 as follows. The Agency changes the section heading by adding the phrase ''safety audit or investigation, including'' before ''review'' and adding a comma after it to identify the new scope of the section. FMCSA removes the terms ''compliance review'' and ''roadability review'' and replaces them with the phrase ''safety audit or investigation'' essentially as proposed, but adds '', including review,'' after investigation to clarify an individual certified to perform an investigation is also certified to conduct a ''review,'' as defined in § 385.3 to include compliance and roadability reviews. FMCSA also removes the references to roadside inspections.

Section 385.203 What are the requirements to obtain and maintain certification to perform a safety audit or investigation, including review?

In addition to adopting use of the term ''individual'' (including replacing the word ''employees''), updating the date of the grandfather clause, and updating physical and website addresses, FMCSA amends § 385.201 as follows. The Agency changes the section heading by adding the phrase ''to perform a safety audit or investigation, including review'' to identify the scope of the section. FMCSA removes the terms ''compliance review'' and ''roadability review'' and replaces them with the phrase ''safety audit or investigation'' essentially as proposed, but again adds '', including review,'' after investigation for clarification. FMCSA also removes the references to roadside inspections. Finally, in paragraph (b), FMCSA removes the paragraph heading to conform to the part style of not including such headings and ''the'' before FMCSA in the second sentence.

Section 385.205 How can an individual who has lost certification to perform a safety audit or investigation, including review, be re-certified?

In addition to adopting use of the term ''individual'' and eliminating certain referenced pronouns, FMCSA amends § 385.201 by adding in the section heading the phrase ''to perform a safety audit or investigation, including review'' after certification to identify the scope of the section.

Section 385.207 What are the requirements to obtain and maintain certification to conduct driver or vehicle inspections?

FMCSA adds a new § 385.207 to address certification to conduct driver or vehicle inspections as set forth in CVSA's Operational Policy 4. The Agency adopts this section essentially as proposed in the NPRM as §§ 385.207(b) and 385.209, except for substituting ''CVSA'' and ''Operational Policy 4'' where applicable to be more concise. FMCSA changes the section heading of proposed § 385.209 by adding ''What are the'' at the beginning to form a question consistent with the existing section headings. The specifics of the grandfather provision in paragraph (a) were proposed § 385.207(b). The remainder of paragraph (a) was proposed § 385.209(a). Paragraph (b) was proposed § 385.209(b). FMCSA removes the proposed paragraph headings to conform to the part style of not including such headings.

VIII. Regulatory Analyses

A. Executive Order (E.O.) 12866 (Regulatory Planning and Review), E.O. 13563 (Improving Regulation and Regulatory Review), and DOT Regulatory Policies and Procedures

FMCSA has considered the impacts of this rule under E.O. 12866 (58 FR 51735, Oct. 4, 1993), Regulatory Planning and Review, as supplemented by E.O. 13563 (76 FR 3821, Jan. 21, 2011), Improving Regulation and Regulatory Review, and DOT's regulatory policies and procedures. The Office of Information and Regulatory Affairs within the Office of Management and Budget (OMB) has determined that

this rulemaking is not a significant regulatory action under section 3(f) of E.O. 12866. Accordingly, OMB has not reviewed it under that E.O.

As addressed under Section V, above, the revisions to CVSA's ''Operational Policy 4: Inspector Training and Certification'' are either largely minor or administrative or do not impose any material requirements or increase compliance obligations. Accordingly, there are no new costs or benefits associated with this final rule.

B. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), the Office of Information and Regulatory Affairs designated this rule as not a ''major rule,'' as defined by 5 U.S.C. 804(2).[9]

C. Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996,[10] requires Federal agencies to consider the effects of the regulatory action on small business and other small entities and to minimize any significant economic impact. The term ''small entities'' comprises small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. Accordingly, DOT policy requires an analysis of the impact of all regulations on small entities, and mandates that agencies strive to lessen any adverse effects on these businesses.

This rule directly affects States and a limited number of contractors requiring certification. States do not meet the definition of a ''small entity'' in section 601 of the Regulatory Flexibility Act. Specifically, States are not considered small governmental jurisdictions under section 601(5), both because State government is not included among the various levels of government listed in section 601(5), and because no State, including the District of Columbia, has a population of less than 50,000, which is the criterion for a governmental jurisdiction to be considered small under section 601(5). As the rule will not result in costs or benefits, it will not impose impacts on the limited number of contractors regulated under this rule. Therefore, this rule will not have an impact on a substantial number of small entities. Because FMCSA incorporates by reference the current policy and practices for individuals to obtain and maintain certification for conducting inspections, this rule will not result in changes for those affected. Thus, this rule will not have a significant economic impact on the regulated entities.

Consequently, I certify that the action will not have a significant economic impact on a substantial number of small entities.

D. Assistance for Small Entities

In accordance with section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996, FMCSA wants to assist small entities in understanding this rule so they can better evaluate its effects on themselves and participate in the rulemaking initiative. If the rule will affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance; please consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

Small businesses may send comments on the actions of Federal employees who enforce or otherwise determine compliance with Federal regulations to the Small Business Administration's Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of FMCSA, call 1–888–REG–FAIR (1–888–734–3247). DOT has a policy regarding the rights of small entities to regulatory enforcement fairness and an explicit policy against retaliation for exercising these rights.

E. Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or Tribal government, in the aggregate, or by the private sector of $170 million (which is the value equivalent of $100 million in 1995, adjusted for inflation to 2020 levels) or more in any 1 year. Though this rule will not result in such an expenditure, the Agency does discuss the effects of this rule elsewhere in this preamble.

F. Paperwork Reduction Act

This final rule contains no information collection requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

G. E.O. 13132 (Federalism)

A rule has implications for federalism under section 1(a) of E.O. 13132 if it has ''substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.'' FMCSA has determined that this rule will not have substantial direct costs on or for States, nor would it limit the policymaking discretion of States. Nothing in this document preempts any State law or regulation. Therefore, this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Impact Statement.

H. Privacy

The Consolidated Appropriations Act, 2005,[11] requires the Agency to conduct a privacy impact assessment (PIA) of a regulation that will affect the privacy of individuals. This rule will not require the collection of personally identifiable information.

The Privacy Act (5 U.S.C. 552a) applies only to Federal agencies and any non-Federal agency that receives records contained in a system of records from a Federal agency for use in a matching program.

The E-Government Act of 2002,[12] requires Federal agencies to conduct a PIA for new or substantially changed technology that collects, maintains, or disseminates information in an identifiable form. No new or substantially changed technology would collect, maintain, or disseminate information as a result of this rule. Accordingly, FMCSA has not conducted a PIA.

I. E.O. 13175 (Indian Tribal Governments)

This rule does not have Tribal implications under E.O. 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian Tribes, on the relationship between the Federal

[9] A ''major rule'' means any rule that the Administrator of the Office of Information and Regulatory Affairs at OMB finds has resulted in or is likely to result in (a) an annual effect on the economy of $100 million or more; (b) a major increase in costs or prices for consumers, individual industries, Federal agencies, State agencies, local government agencies, or geographic regions; or (c) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets (5 U.S.C. 804(2)).

[10] Public Law 104–121, 110 Stat. 857 (Mar. 29, 1996), note following 5 U.S.C. 601.

[11] Public Law 108–447, 118 Stat. 2809, 3268 (Dec. 4, 2014), note following 5 U.S.C. 552a.

[12] Public Law 107–347, sec. 208, 116 Stat. 2899, 2921 (Dec. 17, 2002).

Government and Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes.

J. National Environmental Policy Act of 1969

FMCSA analyzed this rulemaking for the purpose of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) and determined this action is categorically excluded from further analysis and documentation in an environmental assessment or environmental impact statement under FMCSA Order 5610.1 (69 FR 9680, Mar. 1, 2004), Appendix 2, paragraph 6.d. The categorical exclusion in paragraph 6.d. covers regulations concerning the training, qualifying, licensing, certifying, and managing of personnel. The requirements in this rule are covered by this categorical exclusion and the rule will not have any effect on the quality of the environment.

List of Subjects in 49 CFR Part 385

Administrative practice and procedure, Highway safety, Incorporation by reference, Mexico, Motor carriers, Motor vehicle safety, Reporting and recordkeeping requirements.

In consideration of the foregoing, FMCSA amends 49 CFR chapter III, part 385, to read as follows:

PART 385—SAFETY FITNESS PROCEDURES

■ 1. The authority citation for part 385 is revised to read as follows:

Authority: 49 U.S.C. 113, 504, 521(b), 5105(d), 5109, 5113, 13901–13905, 13908, 31135, 31136, 31144, 31148, 31151, 31502; sec. 113(a), Pub. L. 103–311, 108 Stat. 1673, 1676; sec. 408, Pub. L. 104–88, 109 Stat. 803, 958; sec. 350, Pub. L. 107–87, 115 Stat. 833, 864; sec. 5205, Pub. L. 114–94, 129 Stat. 1312, 1537; and 49 CFR 1.87.

■ 2. In § 385.3, republish paragraph (2) of the definition of *Reviews* to read as follows:

§ 385.3 Definitions and acronyms.

* * * * *

Reviews. * * *

(2) *Safety audit* means an examination of a motor carrier's operations to provide educational and technical assistance on safety and the operational requirements of the FMCSRs and applicable HMRs and to gather critical safety data needed to make an assessment of the carrier's safety performance and basic safety management controls. Safety audits do not result in safety ratings.

* * * * *

■ 3. Amend § 385.4 as follows:

■ a. In paragraph (a), remove the text ''*fedreg.legal@nara.gov*'' and add, in its place, the text ''*fr.inspection@nara.gov*'*;*

■ b. Revise paragraph (b) introductory text; and

■ c. Add paragraph (b)(2).

The revision and addition read as follows:

§ 385.4 Matter incorporated by reference.

* * * * *

(b) Commercial Vehicle Safety Alliance (CVSA), 6303 Ivy Lane, Suite 310, Greenbelt, MD 20770, telephone (301) 830–6143, *www.cvsa.org.*

* * * * *

(2) ''Operational Policy 4: Inspector Training and Certification'', Revised April 29, 2021 (CVSA Operational Policy 4); incorporation by reference approved for § 385.207. (Also available at *www.fmcsa.dot.gov/certification*).

■ 4. Revise § 385.201 to read as follows:

§ 385.201 Who is qualified to perform a safety audit or investigation, including review, of a motor carrier or an intermodal equipment provider?

(a) An FMCSA employee or contractor, or a State or local government employee or contractor funded through the Motor Carrier Safety Assistance Program, who was qualified to perform a safety audit or investigation, including review, before August 27, 2021, may perform a safety audit or investigation, including review, if the individual complies with § 385.203(b).

(b) An individual who was not qualified to perform a safety audit or investigation, including review, before August 27, 2021, may perform a safety audit or investigation, including review, after complying with the requirements of § 385.203(a).

■ 5. Revise § 385.203 to read as follows:

§ 385.203 What are the requirements to obtain and maintain certification to perform a safety audit or investigation, including review?

(a) On and after August 27, 2021, an individual who is not qualified under § 385.201(a) may not perform a safety audit or investigation, including review, unless the individual has been certified by FMCSA or a State or local agency applying the FMCSA standards after successfully completing classroom training and examinations on the FMCSRs and HMRs as described in detail on the FMCSA website (*www.fmcsa.dot.gov/certification*). These individuals must also comply with the maintenance of certification/qualification requirements of paragraph (b) of this section.

(b) An individual may not perform a safety audit or investigation, including review, unless the individual meets the quality-control and periodic re-training requirements adopted by FMCSA to ensure the maintenance of high standards and familiarity with amendments to the FMCSRs and HMRs. These maintenance of certification/qualification requirements are described in detail on the FMCSA website (*www.fmcsa.dot.gov/certification*).

(c) The requirements of paragraphs (a) and (b) of this section for training, performance, and maintenance of certification/qualification, which are described on the FMCSA website (*www.fmcsa.dot.gov/certification*), are also available in hard copy from the Federal Motor Carrier Safety Administration, Office of Enforcement and Compliance, 1200 New Jersey Ave. SE, Washington, DC 20590; Attention: Chief, Compliance Division at (202) 366–1812.

■ 6. Revise § 385.205 to read as follows:

§ 385.205 How can an individual who has lost certification to perform a safety audit or investigation, including review, be re-certified?

The individual must successfully complete the requirements of § 385.203(a) and (b).

■ 7. Add § 385.207 to read as follows:

§ 385.207 What are the requirements to obtain and maintain certification to conduct driver or vehicle inspections?

(a) An FMCSA employee or contractor, or a State or local government employee or contractor funded through the Motor Carrier Safety Assistance Program, who was qualified to conduct a driver or vehicle inspection before August 27, 2021 or meets requirements as specified in CVSA Operational Policy 4 (incorporated by reference, see § 385.4) may conduct a driver or vehicle inspection. The individual may conduct a driver or vehicle inspection only at a level for which the individual is certified.

(b) An individual who qualifies to conduct driver or vehicle inspections under this section must meet the requirements for maintaining certification or obtaining recertification as specified in CVSA Operational Policy 4.

Issued under authority delegated in 49 CFR 1.87.

Meera Joshi,

Deputy Administrator.

[FR Doc. 2021–18474 Filed 8–26–21; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 210217–0022; RTID 0648–XB143]

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch 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; closure.

SUMMARY: NMFS is prohibiting directed fishing for Pacific ocean perch in the Western Aleutian district (WAI) of the Bering Sea and Aleutian Islands management area (BSAI) by vessels participating in the BSAI trawl limited access sector fishery. This action is necessary to prevent exceeding the 2021 total allowable catch (TAC) of Pacific ocean perch in the WAI allocated to vessels participating in the BSAI trawl limited access sector fishery.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), August 24, 2021, through 2400 hrs, A.l.t., December 31, 2021.

FOR FURTHER INFORMATION CONTACT: Allyson Olds, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the BSAI exclusive economic zone 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 TAC of Pacific ocean perch, in the WAI, allocated to vessels participating in the BSAI trawl limited access sector fishery was established as a directed fishing allowance of 187 metric tons by the final 2021 and 2022 harvest specifications for groundfish in the BSAI (86 FR 11449, February 25, 2021).

In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for Pacific ocean perch in the WAI by vessels participating in the BSAI trawl limited access section fishery. While this closure is effective the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

Classification

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

Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment would be impracticable and contrary to the public interest, as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the closure of directed fishing of Pacific ocean perch in the WAI of the BSAI. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of August 23, 2021.

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

Dated: August 24, 2021.

Jennifer M. Wallace,

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

[FR Doc. 2021–18512 Filed 8–24–21; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 86, No. 164
Friday, August 27, 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 1216

[Document Number AMS–SC–20–0100]

Peanut Promotion, Research, and Information Order; Increase the Threshold of the Primary Peanut-Producing States and Adjustment of Membership

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposal invites comments on increasing the threshold for defining primary peanut-producing states as states that maintain a 3-year average production of at least 20,000 tons of peanuts instead of 10,000 tons of peanuts as currently prescribed in the Peanut Promotion, Research, and Information Order (Order). The Order is administered by the National Peanut Board (Board) with oversight by the U.S. Department of Agriculture (USDA). As a result of increasing the threshold, this proposal would decrease the Board's membership from 13 to 12 members and their respective alternates. This action would contribute to effective administration of the program.

DATES: Comments must be received by September 27, 2021.

ADDRESSES: Interested persons are invited to submit written comments concerning this proposed rule. All comments must be submitted through the Federal e-rulemaking portal at: *http://www.regulations.gov,* and should reference the document number and date, and page number of this issue of the **Federal Register**. Comments submitted in response to this proposed rule will be included in the rulemaking record and will be made available to the public. Please be advised that the identity of individuals or entities submitting the comments will be made public on the internet at: *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Victoria M. Carpenter, Marketing Specialist, Promotion and Economics Division, Specialty Crop Program, AMS, USDA, Stop 0244, 1400 Independence Avenue SW, Room 1406–S, Washington, DC 20250–0244; telephone: (202) 720–6930; or electronic mail: *VictoriaM.Carpenter@usda.gov.*

SUPPLEMENTARY INFORMATION: This proposal affecting the Order (7 CFR part 1216) is authorized under the Commodity Promotion, Research, and Information Act of 1996 (1996 Act) (7 U.S.C. 7411–7425).

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.

Executive Order 13175

This action has been reviewed in accordance with requirements of Executive Order 13175, Consultation and Coordination with Indian Tribal Governments. 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 proposed changes to regulations will be shared during an upcoming quarterly call, and tribal leaders will be informed about 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 this change to the Order.

Executive Order 12988

This proposal has been reviewed under Executive Order 12988, Civil Justice Reform. It is not intended to have retroactive effect. Section 524 of the 1996 Act (7 U.S.C. 7423) provides that it shall not affect or preempt any other Federal or State law authorizing promotion or research relating to an agricultural commodity.

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

Under section 519 of the 1996 Act (7 U.S.C. 7418), a person subject to an order may file a written petition with USDA stating that an order, any provision of an order, or any obligation imposed in connection with an order, is not established in accordance with the law, and request a modification of an order or an exemption from an order. Any petition filed challenging an order, any provision of an order, or any obligation imposed in connection with an order, shall be filed within two years after the effective date of an order, provision, or obligation subject to challenge in the petition. The petitioner will have the opportunity for a hearing on the petition. Thereafter, USDA will issue a ruling on the petition. The 1996 Act provides that the district court of the United States for any district in which the petitioner resides or conducts business shall have the jurisdiction to review a final ruling on the petition, if the petitioner files a complaint for that purpose not later than 20 days after the date of the entry of USDA's final ruling.

Background

This proposed rule invites comments on increasing the threshold for defining primary peanut-producing states as states that maintain a 3-year average production of at least 20,000 tons of peanuts instead of 10,000 tons of peanuts as currently prescribed in the Order. This would help ensure that the Board reflects the peanut production in the United States. The Order is administered by the Board with oversight by USDA.

The Order became effective on July 30, 1999. Under the Order, the Board administers a nationally coordinated program of promotion, research and information designed to strengthen the position of peanuts in the marketplace

and to develop, maintain, and expand the demand for peanuts in the United States. Under the program, assessments are levied on all farmers stock peanuts sold at a rate of $3.55 per ton for Segregation 1 peanuts and $1.25 per ton for Segregation 2 peanuts and 3 peanuts, as those terms are defined in 7 CFR 996.13(b) through (d). Assessments are remitted to the Board by handlers and, for peanuts under loan, by the Commodity Credit Corporation.

The Order defines terms ''minor peanut-producing states'' and ''primary peanut-producing states'' for purposes of Board representation and voting at meetings. According to USDA, Federal-State Inspection Service, National Peanut Tonnage Reports, there are 13 peanut-producing states, which include: Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Missouri, New Mexico, North Carolina, Oklahoma, South Carolina, Texas, and Virginia. Section 1216.21 currently defines primary peanut-producing states as Alabama, Arkansas, Florida, Georgia, Mississippi, Missouri, New Mexico, North Carolina, Oklahoma, South Carolina, Texas, and Virginia. These states must maintain a 3-year average production of at least 10,000 tons of peanuts to meet the current definition. All other peanut-producing states are defined as minor peanut-producing states in § 1216.15 and are represented by one member and one alternate on the Board—currently only Louisiana meets this definition.

With the growth in farm size, there are fewer and larger peanut producers than when the Order was promulgated in 1999. As stated above, currently, there is only one state, Louisiana, that represents the minor peanut-producing states, which is the at-large position on the Board. This makes it difficult to get adequate numbers of nominees to fill both member and alternate member seats on the Board. By increasing the threshold for defining primary peanut-producing states to states that maintain a 3-year average production of at least 20,000 tons instead of 10,000 tons of peanuts as currently prescribed, this action would increase the candidate pool for at-large member seats on the Board.

Pursuant to § 1216.87, amendments to the Order may be proposed from time to time by the Board or by any interested person affected by provisions of the 1996 Act, including the Secretary of Agriculture.

The Board has been concerned about having enough nominees to fill vacant seats for several years and was hopeful that the situation would improve. The Board staff has actively recruited candidates to be considered for nomination from multiple primary peanut-producing states and the at-large state, sometimes with little success. Due to an alternate member vacancy for New Mexico and difficulty finding producers to serve, the Board determined it was time to increase the 3-year average.

The Board discussed increasing the threshold with the industry to explain the situation, and it was determined that increasing the threshold for defining primary peanut-producing states was a good way to give the peanut producing states an opportunity to be nominated for a member or alternate seat on the Board.

Board Recommendation

The Board met to discuss methods to increase the pool of candidates for representation of the minor peanut-producing states to serve on the Board. At the time of the Board's formation in July 1999 (64 FR 41252), peanut farms were smaller, and therefore, there were many more producers eligible to be nominated to serve on the Board. In April 1999, USDA reported there were approximately 25,000 peanut producers (64 FR 80107). Based on the Board's records, for the 2018 production crop year, there were 8,126 peanut producers and for the 2019 crop year, there were 7,200 peanut producers.

Currently, in minor peanut-producing states the pool of candidates is very small, with Louisiana being the only state in this category. The Board has had difficulty in gathering the required two nominees for each open position for submission to the Secretary of Agriculture.

The Board has been concerned about this issue for several years and was hopeful that the situation would improve. For approximately 10 years, the Board's management has actively recruited candidates to be considered for nomination from multiple primary and minor peanut-producing states to fill seats on the Board. In the 2020 submission to the Secretary for appointments to fill member and alternate seats for New Mexico, only two nominees were submitted for consideration instead of four. Therefore, only the member seat was filled, and the alternate seat remains vacant. In addition, since there is currently only one state (Louisiana) representing minor peanut-producing states, it is often difficult to get a sufficient number of nominees to fill member and alternate positions as well. These nominees are comprised of producers of all sizes including small producers.

In 1999, the Board was comprised of 10 members and their alternates. The Board's representation for primary peanut-producing states were Alabama, Florida, Georgia, New Mexico, North Carolina, Oklahoma, South Carolina, Texas, and Virginia and minor peanut-producing states were represented by a Louisiana member and an Arizona alternate member. Over the years, there have been three adjustments of membership, which increased the size of the Board's membership. On July 9, 2008, the Board increased its membership from 10 to 11 when it added Mississippi as a primary peanut-producing state (73 FR 39214). On March 21, 2014, the Board increased its membership a second time from 11 to 12 when it added Arkansas as a primary peanut-producing state (79 FR 15636). The most recent change in the Board's membership was the addition of Missouri, which was published on March 23, 2020 (85 FR 16229). That addition increased the membership from 12 to 13.

For the 2019 production year, computations based on Federal State Inspection Service data show that Georgia was the largest producer, with 49.8 percent followed by Florida (10.7 percent), Alabama (9.4 percent), Texas (8.7 percent), North Carolina (8.1 percent), South Carolina (4.1 percent), Arkansas (3.1 percent), Virginia (2.0 percent), Mississippi (1.4 percent), Missouri (1.2 percent), Oklahoma (1.0 percent), and New Mexico (0.3 percent). Currently, these 12 states are considered primary peanut-producing states and they each have a member, with their alternate, seated on the Board. All other states (minor peanut-producing states) that produce peanuts are represented by the at-large member.

As a result of membership adjustments described above, there is currently only one minor peanut-producing state (Louisiana) representing ''at-large'' seats. That minor peanut-producing state has only five producers producing peanuts in that state. Increasing the threshold from 10,000 tons to 20,000 tons, would cause the state of New Mexico to become a minor peanut-producing state instead of a primary peanut-producing state. This change would increase the pool of candidates eligible to represent minor peanut-producing states as the at-large member and alternate. Minor peanut-producing states would be represented by Louisiana and New Mexico. This proposal would increase the threshold for defining primary peanut-producing states as states that maintain a 3-year average production of at least 20,000 tons of peanuts instead of 10,000 tons of peanuts, an increase of 10,000 tons.

The intent of the Order was to allow peanut farmers to oversee a peanut research, marketing, and promotion organization to improve their economic condition. To be successful, there must be an adequate pool of interested, qualified producers to serve on the Board. The Board voted unanimously on December 3, 2020, and February 3, 2021, to raise the threshold for primary peanut-producing states to those that maintain a 3-year average production of at least 20,000 tons of peanuts. This proposed change would cause the state of New Mexico to become a minor peanut-producing state instead of a primary peanut-producing state, since its production will be below the proposed 20,000-ton threshold. Minor peanut-producing states will be represented by Louisiana and New Mexico. The Board recommended that the change take place by January 1, 2022, to give New Mexico's certified peanut producer organization enough notice of their status change to a minor peanut-producing state. Nominations to fill the at-large seats would take place in 2022 for the term of office to begin in 2023.

Accordingly, this proposed rule would amend §§ 1216.15 and 1216.21 to define the state of New Mexico as a minor peanut-producing state. This proposal would require primary peanut-producing states to maintain a 3-year average production of at least 20,000 tons of peanuts. This proposal would also revise § 1216.40(a) to specify that the Board would be comprised of no more than 12 peanut producer members and their alternates rather than 13, and revise § 1216.40(a)(1) to reflect the new number of primary peanut-producing states, by revising 12 to 11.

Initial Regulatory Flexibility Act Analysis

In accordance with the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612), AMS is required to examine the impact of the proposed rule on small entities. Accordingly, AMS has considered the economic impact of this action on small entities.

The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such actions so that small businesses will not be disproportionately burdened. The Small Business Administration (SBA) defines, in 13 CFR part 121, small agricultural producers as those having annual receipts of no more than $1 million and small agricultural service firms (handlers) as those having annual receipts of no more than $30 million.

According to the Board, there were approximately 7200 producers and 34 handlers of peanuts who were subject to the program in 2019.

Most producers would be classified as small agricultural production businesses under the criteria established by the SBA (no more than $1 million in annual peanut sales). USDA's National Agricultural Statistics Service (NASS) reported that crop values of peanuts produced in the top 11 peanut-producing states for the years 2017, 2018, and 2019 were $1.63 billion, $1.17 billion, and $1.13 billion, respectively. The 3-year crop average was $1.31 billion. With a 2019 crop value of $1.13 billion and a total of 7,200 producers, average peanut sales per producer were approximately $157,000. With a 2017–2018 average crop value of $1.31 billion, average sales per producer were approximately $182,000. Both figures are well below the $1 million threshold for a small producer, providing strong evidence that most peanut producers are small businesses.

With 34 handlers, the average annual peanut crop value per handler from 2017 to 2019 ranged from $33 million to $48 million, with a 3-year average of $39 million. With average sales figures moderately higher than the small business threshold size of $30 million, it appears that several handlers are small businesses and there are also a number that are large businesses—no definitive statement can be made.

According to NASS, the number of pounds of U.S. peanut production from 11-primary peanut-producing states for 2017, 2018, and 2019 were 7.12 billion, 5.50 billion and 5.47 billion, respectively. The 3-year average production was 6.03 billion pounds. Computations based on NASS data show that Georgia was the largest producer, with 50.9 percent of the 3-year average quantity, followed by Alabama (9.9 percent), Florida (9.9 percent), Texas (9.1 percent), North Carolina (7.2 percent), South Carolina (5.4 percent), Arkansas (2.4 percent), Mississippi (1.9 percent), Virginia (1.8 percent), Oklahoma (1.0 percent), and New Mexico (under one percent).

This proposal would amend §§ 1216.15, 1216.21 and 1216.40 to redefine the state of New Mexico from a primary peanut-producing state to a minor peanut-producing state. The Order is administered by the Board with oversight by USDA. Under the Order, primary peanut-producing states must maintain a 3-year average production of at least 10,000 tons of peanuts. This amendment would increase the production threshold to 20,000 tons of peanuts. This action would expand the number of minor peanut-producing states to ensure that the Board obtains an adequate pool of qualified producers to serve on the Board to represent minor peanut-producing states. This action is authorized under § 1216.87 of the Order.

Regarding the economic impact of this proposed rule on affected entities, this action would impose no costs on producers or handlers. Changes would define the state of New Mexico as a minor peanut-producing state based on the proposed increase to the threshold to 20,000 tons of peanuts.

Regarding alternatives, the Board has been concerned about obtaining the required two nominees for each open seat to be submitted to the Secretary of Agriculture for primary peanut-producing states and minor peanut-producing states. For years, the Board's staff has actively recruited candidates to be considered for nomination from multiple primary peanut-producing states and minor peanut-producing states, sometimes with little success. The Board considered increasing the threshold for primary peanut-producing states from 10,000 to 30,000 per ton for a 3-year production average. After discussion, the Board voted to double the threshold and require the primary peanut-producing states to maintain a 3-year production average of at least 20,000 tons of peanuts.

In accordance with OMB regulation [5 CFR part 1320], which implements information collection requirements imposed by the Paperwork Reduction Act of 1995 [44 U.S.C. 3501 *et seq.*], there are no new requirements contained in this rule. In fact, a decrease of 0.30 hours in the information collection burden for the peanut program is expected. Information collection requirements have been previously approved by OMB under OMB control number 0581–0093 and 0505–0001.

As with all Federal promotion programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies. USDA has not identified any relevant Federal rules that duplicate, overlap, or conflict with this proposed rule.

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

Regarding outreach efforts, the Board invited Executive Directors of certified peanut producer organizations who represent the primary peanut-producing states (Georgia, Alabama, Texas, Florida, North Carolina, South Carolina,

Mississippi, Missouri, Arkansas, Virginia, Oklahoma, and New Mexico) to attend its annual meeting on February 3, 2021. Most of the Executive Directors for certified peanut producer organizations attended this meeting. All the Board's meetings are open to the public and interested persons are invited to participate and express their views. The Board announced that it voted to increase the threshold level from 10,000 to 20,000 per ton on a 3-year average production for a state to become a primary peanut-producing state. No concerns were raised.

We have performed this initial RFA analysis regarding the impact of this proposed action on small entities, and we invite comments concerning potential effects of this action on small businesses.

USDA has determined that this proposed rule is consistent with and would effectuate the purposes of the 1996 Act. A 30-day comment period is provided to allow interested persons to respond to this proposal. All written comments received in response to this proposed rule will be considered prior to finalizing this action.

List of Subjects in 7 CFR Part 1216

Administrative practice and procedure, Advertising, Consumer information, Marketing agreements, Peanut promotion, Reporting and recordkeeping requirements.

For reasons set forth in the preamble, 7 CFR part 1216 is proposed to be amended as follows:

PART 1216—PEANUT PROMOTION, RESEARCH, AND INFORMATION ORDER

■ 1. The authority citation for 7 CFR part 1216 continues to read as follows:

Authority: 7 U.S.C. 7411–7425; 7 U.S.C. 7401.

■ 2. Section 1216.15 is revised to read as follows:

§ 1216.15 Minor peanut-producing states.

Minor peanut-producing states means all peanut-producing states with the exception of Alabama, Arkansas, Florida, Georgia, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Texas and Virginia.

■ 3. Section 1216.21 is revised to read as follows:

§ 1216.21 Primary peanut-producing states.

Primary peanut-producing states means Alabama, Arkansas, Florida, Georgia, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Texas and Virginia, *provided* these states maintain a 3-year average production of at least 20,000 tons of peanuts.

■ 4. In § 1216.40, paragraphs (a) introductory text and (a)(1) are revised to read as follows:

§ 1216.40 Establishment and membership.

(a) *Establishment of a National Peanut Board.* There is hereby established a National Peanut Board, hereinafter called the Board, comprised of no more than 12 peanut producers and alternates, appointed by the Secretary from nominations as follows:

(1) *Eleven members and alternates.* One member and one alternate shall be appointed from each primary peanut-producing state, who are producers and whose nominations have been submitted by certified peanut producer organizations within a primary peanut-producing state.

* * * * *

Bruce Summers,

Administrator, Agricultural Marketing Service.

[FR Doc. 2021–18536 Filed 8–26–21; 8:45 am]

BILLING P

DEPARTMENT OF ENERGY

10 CFR Parts 430 and 431

[EERE–2018–BT–STD–0018]

RIN 1904–AE39

Energy Conservation Program for Appliance Standards: Energy Conservation Standards for Residential Furnaces and Commercial Water Heaters

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

ACTION: Notification of proposed interpretive rule; request for comment.

SUMMARY: On January 15, 2021, the Department of Energy (DOE or Department) published a final interpretive rule in the **Federal Register** determining that, in the context of residential furnaces, commercial water heaters, and similarly-situated products or equipment, use of non-condensing technology (and associated venting) constitutes a performance-related ''feature'' under the Energy Policy and Conservation Act, as amended (EPCA), that cannot be eliminated through adoption of an energy conservation standard. DOE deems it prudent to revisit its interpretation. For the reasons stated in this document, the Department proposes to return to its previous and long-standing interpretation (in effect prior to the January 15, 2021 final interpretive rule), under which the technology used to supply heated air or hot water is not a performance-related ''feature'' that provides a distinct consumer utility under EPCA. DOE requests comment on its proposed interpretation. Once DOE has arrived at a final interpretation, the Department plans to again evaluate whether amended energy conservation standards would result in significant savings of energy, be technologically feasible, and be economically justified, consistent with its interpretation.

DATES: DOE will accept comments, data, and information regarding this proposed interpretive rule no later than September 27, 2021.

ADDRESSES: Interested persons are encouraged to submit comments using the Federal eRulemaking Portal at *www.regulations.gov.* Follow the instructions for submitting comments. Alternatively, interested persons may submit comments, identified by docket number EERE–2018–BT–STD–0018 and/or RIN number 1904–AE39, by email: to *ResFurnaceCommWaterHeater2018STD0018@ee.doe.gov.* Include docket number EERE–2018–BT–STD–0018 and/or RIN number 1904–AE39 in the subject line of the message. Submit electronic comments in WordPerfect, Microsoft Word, PDF, or ASCII file format, and avoid the use of special characters or any form of encryption.

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

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

Docket: The docket for this activity, which includes **Federal Register** notices, comments, and other

supporting documents/materials, is available for review at *www.regulations.gov.* All documents in the docket are listed in the *www.regulations.gov* index. However, not all documents listed in the index may be publicly available, such as information that is exempt from public disclosure.

The docket web page can be found at: *www.regulations.gov/#!docketDetail;D=EERE-2018-BT-STD-0018.* The docket web page contains instructions on how to access all documents, including public comments, in the docket.

FOR FURTHER INFORMATION CONTACT: Ms. Catherine Rivest, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Office, EE–5B, 1000 Independence Avenue SW, Washington, DC 20585–0121. Telephone: (202) 586–7335. Email: *ApplianceStandardsQuestions@ee.doe.gov.*

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

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

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction and Background

The following sections discuss the statutory authority underlying this proposed interpretive rule, as well as the relevant background related to determination of what constitutes a ''feature'' for the purpose of establishing energy conservation standards under EPCA. Additionally, these sections address DOE's historic interpretation, DOE's interpretation in the January 15, 2021 final interpretive rule (86 FR 4776), and the issuance of Executive Order 13990. This background sets the stage for presentation of DOE's current proposed interpretive rule addressing whether non-condensing technology (and associated venting) constitutes a performance-related ''feature'' under EPCA which may not be eliminated by an energy conservation standard.

A. Authority

EPCA [1], Public Law 94–163 (42 U.S.C. 6291 *et seq.*), as amended, authorizes DOE to regulate the energy efficiency of a number of consumer products and certain industrial equipment. When establishing new or amended standards for covered products, DOE is directed to consider any lessening of the utility or the performance of covered products likely to result from the imposition of the standard. (42 U.S.C. 6295(o)(2)(B)(i)(IV)) Moreover, the Secretary of Energy (Secretary) may not prescribe an amended or new standard if the Secretary finds (and publishes such finding) that interested persons have established by a preponderance of the evidence that the standard is likely to result in the unavailability in the United States in any covered product type (or class) of performance characteristics (including reliability), features, sizes, capacities, and volumes (collectively referred to hereafter as ''features'') that are substantially the same as those generally available in the United States at the time of the Secretary's finding. (42 U.S.C. 6295(o)(4); the ''features'' provision)

EPCA provides a companion provision at 42 U.S.C. 6295(q)(1), which requires that a rule prescribing an energy conservation standard for a type of covered products shall specify a level of energy use or efficiency higher or lower than that which applies (or would apply) to any group of covered products which have the same function or intended use, if the Secretary determines that covered products within such group:

(A) consume a different kind of energy from that consumed by other covered products within such type (or class); or

(B) have a capacity or other performance-related feature which other products within such type (or class) do not have and such feature justifies a higher or lower standard from that which applies (or will apply) to other products within such type (or class).

In making a determination of whether a performance-related feature justifies the establishment of a higher or lower standard, the Secretary must consider such factors as the utility to the consumer of such a feature, and such other factors as the Secretary deems appropriate. (42 U.S.C. 6295(q)(1))

These provisions apply generally to covered commercial and industrial equipment, other than ASHRAE equipment,[2] through the crosswalk provision at 42 U.S.C. 6316(a). ASHRAE equipment has its own separate statutory scheme under EPCA, with the default situation being that DOE must adopt the level set forth in ASHRAE Standard 90.1 unless the Department has clear and convincing evidence to adopt a more stringent standard (*see* 42 U.S.C. 6313(a)(6)). Under 42 U.S.C. 6313(a)(6)(B)(iii)(II)(aa), there is a provision similar to the ''features'' provision previously discussed that states that the Secretary may not prescribe an amended standard under this subparagraph if the Secretary finds (and publishes the finding) that interested persons have established by a preponderance of the evidence that a standard is likely to result in the unavailability in the United States in any product type (or class) of performance characteristics (including reliability, features, sizes, capacities, and volumes) that are substantially the same as those generally available in the United States at the time of the finding of the Secretary. However, it is noted that this provision contains the specific limitation that it applies to an amended standard prescribed *under this subparagraph* (*i.e.,* when DOE is acting under its authority to set a more-stringent standard). There is no companion ''features'' provision under 42 U.S.C. 6313(a)(6)(A), which is the provision that would apply when DOE is triggered to adopt the levels set by ASHRAE. There is likewise no companion provision to 42 U.S.C. 6295(q)(1) for ASHRAE equipment.

In addition, on January 20, 2021, the White House issued Executive Order 13990, ''Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis.'' 86 FR 7037 (Jan. 25, 2021). Section 1 of that Order lists several policies related to the protection of public health and the environment, including reducing greenhouse gas emissions and bolstering

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

[2] ''ASHRAE'' refers to the American Society of Heating, Refrigerating and Air-Conditioning Engineers. Under EPCA, ''ASHRAE equipment'' refers to small commercial package air conditioning and heating equipment, large commercial package air conditioning and heating equipment, very large commercial package air conditioning and heating equipment, packaged terminal air conditioners, packaged terminal heat pumps, warm-air furnaces, packaged boilers, storage water heaters, instantaneous water heaters, and unfired hot water storage tanks, which are addressed by ASHRAE in ASHRAE Standard 90.1, *Energy Standard for Buildings Except Low-Rise Residential Buildings.* (*See* 42 U.S.C. 6313(a)(6))

the Nation's resilience to climate change. *Id.* at 86 FR 7037, 7041. Section 2 of the Order also instructs all agencies to review ''existing regulations, orders, guidance documents, policies, and any other similar agency actions (agency actions) promulgated, issued, or adopted between January 20, 2017, and January 20, 2021, that are or may be inconsistent with, or present obstacles to, [these policies].'' *Id.* Agencies are then directed, as appropriate and consistent with applicable law, to consider suspending, revising, or rescinding these agency actions and to immediately commence work to confront the climate crisis. *Id.*

In light of E.O. 13990, DOE has undertaken a review of the final interpretation and withdrawal of proposed rulemakings published in the **Federal Register** on January 15, 2021. While E.O. 13990 triggered the Department's re-evaluation, DOE is relying on the analysis presented below, based upon EPCA, to re-examine the January 2021 Final Interpretive Rule. Accordingly, the Department has initially determined that the historic application of the ''features'' provision to non-condensing technology reflects the better reading of the requirements in EPCA.

B. Historic Interpretation of the ''Features'' Provision

As discussed, when evaluating and establishing energy conservation standards, DOE is required to divide covered products into product classes by the type of energy used, by capacity, or by other performance-related features that DOE determines justify a different standard. In making a determination of whether a performance-related feature justifies a different standard, the Department must consider factors such as the utility to the consumer of the feature and other factors DOE determines are appropriate. (42 U.S.C. 6295(q)) As the product class provision is complementary to the ''features'' provision, consideration of what constitutes a feature and what constitutes utility for the purpose of establishing a product class is germane to the application of the ''features'' provision.

At a basic level, a ''feature'' is a trait, attribute, or function of a product. The usefulness and benefit provided to a consumer by a feature is the feature's ''utility.'' Given the multitude of covered products and equipment for which DOE is responsible, the Department has found the concept of ''feature'' to be very case-specific. 86 FR 4776, 4797 (Jan. 15, 2021). No single definition could effectively capture the potential for features across the broad array of consumer products and commercial equipment subject to EPCA's regulatory scheme. *Id.* That is why DOE developed the concept of consumer utility and how the consumer interacts with the product/equipment for when DOE is assessing ''features.'' *Id.*

Historically, DOE has viewed utility as an aspect of the product that is accessible to the layperson and is based on user operation and interaction with the product. This interpretation has been applied in DOE's previous rulemakings by determining utility through the value the item brings to the consumer, rather than through analyzing complicated design features that do not impact what the consumer perceives as the value of the product, or costs that anyone, including the consumer, manufacturer, installer, or utility companies, may bear. DOE reasoned that this approach is consistent with EPCA's requirement for a separate and extensive analysis of economic justification for the adoption of any new or amended energy conservation standard (*see* 42 U.S.C. 6295(o)(2)(A)–(B) and (3)). Examples of prior consideration of the ''features'' provision, utility, and product/equipment classes are provided in the following paragraphs.

In a final rule addressing energy conservation standards for cooking products, DOE did not consider a design option that eliminated oven door windows. 63 FR 48038, 48041 (Sept. 8, 1998). A number of commenters asserted that the oven door window provides consumer utility by alleviating the need for users to open the oven door to check on the contents. *Id.* DOE agreed with commenters that the removal of the oven door window would increase the frequency in which consumers open the oven door. *Id.* DOE also found this increased opening would have the potential to increase energy usage. *Id.* DOE further indicated that it would re-evaluate oven door window designs should a window material with higher thermal insulation properties become a proven technology. *Id.*

In the case of residential clothes washers, DOE has maintained a product class distinction based on axis of loading (*i.e.,* front-loading and top-loading units). Based on comments received during rulemakings, DOE identified axis of loading as a feature that impacts consumer utility (*i.e.,* the longer cycle times of front-loading residential clothes washers versus cycle times for top-loaders are likely to impact consumer utility). 77 FR 32307, 32319 (May 31, 2012). Conversely, DOE eliminated the suds-saving product class because the market had changed, and, at the time of the rulemaking, DOE did not identify any suds-saving residential clothes washers on the market in the United States. 77 FR 32307, 32317 (May 31, 2012).

In a 2011 rulemaking, DOE created separate product classes for vented and ventless residential clothes dryers based on DOE's recognition of the ''unique utility'' that ventless clothes dryers offer to consumers. 76 FR 22454, 22485 (April 21, 2011). This utility could be characterized as the ability to have a clothes dryer in a living area where vents are impossible to install (*i.e.,* an apartment in a high-rise building). As explained in the accompanying technical support document, ventless dryers can be installed in locations where venting dryers would be precluded due to venting restrictions.[3]

But in another rulemaking, DOE found that water heaters that utilize heat pump technology did not need to be put in a separate product class from conventional types of hot water heaters that utilize electric resistance technology, even though water heaters utilizing heat pumps require the additional installation of a condensate drain that a hot water heater utilizing electric resistance technology does not require. 75 FR 20112, 20135 (April 16, 2010). Regardless of the installation factors, DOE did not find the mode of heating water to be a performance-related feature or provide a unique utility. *Id.* DOE also noted comments stating that in the then-current market, water heaters that employed heat pump technology were advertised as replacements for water heaters that employed electric resistance technology. *Id.*

However, DOE has cautioned that disparate products may have very different consumer utilities, thereby making direct comparisons difficult and potentially misleading. 76 FR 22454, 22485 (April 21, 2011).

C. January 15, 2021 Final Interpretive Rule Regarding Non-Condensing Technology

On March 12, 2015, DOE published a notice of proposed rulemaking (NOPR) in the **Federal Register** to amend energy conservation standards for residential non-weatherized gas furnaces and mobile home furnaces, in furtherance of its statutory obligation to determine whether more stringent amended standards would be technologically

[3] *See* pp. 3–59 of the technical support document, available at *www.regulations.gov/document/EERE–2007-BT-STD-0010-0053.*

feasible and economically justified, and would save a significant amount of energy. 80 FR 13120 (March 2015 Furnace NOPR). To provide further consideration of comments suggesting a separate product class for furnaces based on input capacity and in order to mitigate some of the negative impacts of the proposed standards, DOE published a notice of data availability (NODA) in the **Federal Register** on September 14, 2015. 80 FR 55038 (September 2015 Furnaces NODA). DOE subsequently published a supplemental notice of proposed rulemaking (SNOPR) for this rulemaking in the **Federal Register** on September 23, 2016, in which DOE proposed to establish capacity-based product classes. 81 FR 65720 (September 2016 Furnaces SNOPR). On May 31, 2016, DOE published in the **Federal Register** a proposal to amend the energy conservation standards for commercial water heaters. 81 FR 34440 (May 2016 Commercial Water Heaters NOPR).

In both the residential furnaces rulemaking and the commercial water heaters rulemaking, DOE proposed amended energy conservation standards that would effectively require products/equipment in certain classes to use condensing technology to meet the amended standards. *See* 81 FR 65720, 65852 (Sept. 23, 2016) and 81 FR 34440, 34503–34504 (May 31, 2016). For the product/equipment classes where such standards were proposed, if finalized, the amended standards would have effectively eliminated all non-condensing products/equipment that are currently on the market in those classes.

In the March 2015 Furnace NOPR, DOE tentatively concluded that the methods by which a furnace is vented—which is a significant differentiator of condensing and non-condensing furnaces—do not provide any separate performance-related impacts. Therefore, DOE had no statutory basis for defining a separate class based on venting and drainage characteristics because venting methods do not provide unique utility to consumers beyond the basic function of providing heat, which all furnaces perform. 80 FR 13120, 13138 (March 12, 2015). In the September 2016 Furnace SNOPR, DOE reiterated its tentative conclusion that methods of venting do not provide any performance-related utility separate from the basic function of a furnace. 81 FR 65720, 65753 (Sept. 23, 2016). Similarly, in the May 2016 Commercial Water Heater NOPR, DOE tentatively concluded that both non-condensing and condensing gas-fired commercial water heating equipment provide the same hot water for use by commercial consumers, and, therefore, separate equipment classes could not be justified. 81 FR 34440, 34463 (May 31, 2016).

On October 18, 2018, DOE received a petition for rulemaking submitted by the American Public Gas Association, Spire, Inc., the Natural Gas Supply Association, the American Gas Association, and the National Propane Gas Association, collectively referred to as the ''Gas Industry Petitioners,'' asking DOE to: (1) Issue an interpretive rule stating that DOE's proposed energy conservation standards for residential furnaces and commercial water heaters would result in the unavailability of ''performance characteristics'' within the meaning of EPCA, specifically by eliminating from the market units utilizing non-condensing technology, and (2) withdraw the proposed energy conservation standards for residential furnaces and commercial water heaters based upon such findings. DOE published the notice of petition in the **Federal Register** on November 1, 2018 and requested public comment.[4] 83 FR 54883.

Following consideration of the comments on the petition, DOE published a notice of proposed interpretive rule on July 11, 2019, presenting DOE's tentative interpretation that, in the context of residential furnaces, commercial water heaters, and similarly-situated products/equipment, use of non-condensing technology (and associated venting) would constitute a performance-related ''feature'' under EPCA that cannot be eliminated through adoption of an energy conservation standard. 84 FR 33011 (July 2019 Proposed Interpretive Rule).[5] DOE also provided that, if such interpretation were to be finalized, it anticipated developing supplemental notices of proposed rulemaking that would implement the new legal interpretation for the subject residential furnaces and commercial water heaters. 84 FR 33011, 33021 (July 11, 2019).

DOE published a supplemental notice of proposed interpretation in the **Federal Register** on September 24, 2020, which proposed alternative approaches to product/equipment class setting in this context. 85 FR 60090. The supplemental proposed interpretive rule was in response to comments expressing concern with the proposed focus on ''non-condensing'' technology as the performance-related feature. 85 FR 60090, 60094–60095 (Sept. 24, 2020). Alternatively, the supplemental notice of proposed interpretation considered venting compatibility as a possible ''feature.'' 85 FR 60095 (Sept. 24, 2020). DOE requested comment on this alternative approach. *Id.*

On January 15, 2021, DOE published in the **Federal Register** a final interpretive rule determining that, in the context of residential furnaces, commercial water heaters, and similarly-situated products/equipment, use of non-condensing technology (and associated venting) constitutes a performance-related ''feature'' under EPCA that cannot be eliminated through adoption of an energy conservation standard. 86 FR 4776 (January 2021 Final Interpretation). Following consideration of comments and data submitted by stakeholders in response to the proposed interpretation and supplemental proposal, DOE found that when used by the appliances in question, non-condensing technology (and associated venting) constitutes a performance-related feature that provides consumer utility distinct from that provided by such appliances that employ condensing technology. More specifically, in contrast to condensing units, non-condensing units: (1) Avoid complex installations in certain locations constrained by space, existing venting, and available drainage; (2) avoid the encroachment on usable space that would occur in certain installations, and (3) do not enhance the level of fuel switching that might accompany standard setting absent a separate product/equipment class for non-condensing appliance. 86 FR 4776, 4816 (Jan. 15, 2021). DOE stated that such an interpretation would extend to all relevant/applicable cases involving consumer products, non-ASHRAE commercial equipment, and ASHRAE equipment where DOE adopts a level more stringent than the ASHRAE level. 86 FR 4776, 4816–4817 (Jan. 15, 2021).

In light of this final interpretation, DOE withdrew its March 12, 2015 proposed rule and September 23, 2016 supplemental proposed rule for energy conservation standards for non-weatherized gas furnace and mobile home gas furnaces, as well as its May 31, 2016 proposed rule for energy conservation standards for commercial water heating equipment. 86 FR 3873 (Jan. 15, 2021). However, DOE has not implemented the January 15, 2021 final interpretation in the context of any individual energy conservation

[4] In response to requests submitted by two stakeholders, DOE extended the initial 90-day comment period for an additional 30 days. 84 FR 449 (Jan. 29, 2019).

[5] The July 2019 Proposed Interpretive Rule granted the request for an interpretive rule but initially denied the Gas Industry Petitioners' request to withdraw DOE's earlier proposed rules for residential furnaces and commercial water heaters. 84 FR 33011, 33021 (July 11, 2019).

standards rulemakings for affected covered products/equipment.

II. Proposed Interpretive Rule

Based on DOE's reconsideration of the January 2021 Final Interpretation, the Department is proposing to revise its interpretation of EPCA's ''features'' provision in the context of condensing and non-condensing technology used in furnaces, water heating equipment, and similarly-situated appliances. Consistent with the interpretation presented in the May 2015 Furnaces NOPR, the September 2016 Furnaces SNOPR, and the May 2016 Commercial Water Heaters NOPR, DOE tentatively concludes that in the context of residential furnaces, commercial water heaters, and similarly-situated products or equipment, use of non-condensing technology (and associated venting) is not a performance-related ''feature'' for the purpose of the EPCA prohibitions at 42 U.S.C. 6295(o)(4) and 42 U.S.C. 6313(a)(6)(B)(iii)(II)(aa). DOE initially finds that non-condensing technology (and the associated venting) does not provide unique utility to consumers separate from an appliance's function of providing heated air or water, as applicable.

Upon further consideration, DOE has tentatively concluded that utility is determined through the benefits and values the feature provides to the consumer while interacting with the product, not through analyzing or making comparisons to more complicated design features, or costs that anyone, including the consumer, manufacturer, installer, or utility companies, may bear. Stated differently, DOE has tentatively determined that differences in cost or complexity of installation between different methods of venting (*e.g..,* a condensing furnace versus a non-condensing furnace) do not make any method of venting a performance-related feature under 42 U.S.C. 6295(o)(4), as would justify separating the products/equipment into different product/equipment classes under 42 U.S.C. 6295(q)(1). Again, this approach is consistent with EPCA's requirement for a separate and extensive analysis of economic justification for the adoption of any new or amended energy conservation standard (*see* 42 U.S.C. 6295(o)(2)–(3); 42 U.S.C. 6313(a)(6)(A)–(C); 42 U.S.C. 6316(a)).

Therefore, because DOE has come to see that the issues underlying its January 15, 2021 final interpretive rule are appropriately framed as matters of cost, this proposed interpretation would return those issues for resolution to their proper sphere as part of DOE's economic analysis in individual energy conservation standards rulemakings. DOE initially finds this interpretation to be the best reading of the relevant provisions of EPCA, which is consistent with the intent and purposes of the statute. In DOE's view, the proposed interpretation would align better with EPCA's goals of increasing the energy efficiency of covered products and equipment through the establishment and amendment of energy conservation standards and promoting conservation measures when feasible. (42 U.S.C. 6291 *et seq.,* as amended) The following paragraphs set forth DOE's rationale for its proposed revised interpretation in further detail. As background, DOE must follow specific statutory criteria for prescribing new or amended standards for covered products and covered equipment. In general, a new or amended standard must be designed to achieve the maximum improvement in energy efficiency that the Secretary determines is technologically feasible and economically justified. (42 U.S.C. 6295(o)(2)(A); 42 U.S.C. 6295(o)(3)(B); 42 U.S.C. 6316(a)) In deciding whether a proposed standard is economically justified, DOE must determine whether the benefits of the standard exceed its burdens after receiving comments on the proposed standard and by considering, to the greatest extent practicable, seven factors (*see* footnote 6). One of the seven factors for consideration is the lessening of the utility or the performance of the covered products likely to result from the standard. (42 U.S.C. 6295(o)(2)(B)(i)(IV); 42 U.S.C. 6313(a)(6)(B)(ii)(IV); 42 U.S.C. 6316(a)) As discussed, EPCA further directs that the Secretary may not prescribe an amended or new standard if the Secretary finds (and publishes such finding) that interested persons have established by a preponderance of the evidence that the standard is likely to result in the unavailability in the United States in any covered product type (or class) of performance characteristics (including reliability), features, sizes, capacities, and volumes that are substantially the same as those generally available in the United States at the time of the Secretary's finding. (42 U.S.C. 6295(o)(4); 42 U.S.C. 6313(a)(6)(B)(iii)(II); 42 U.S.C. 6316(a)) Also, as discussed, when prescribing an energy conservation standard, DOE must consider whether separate product/equipment classes are justified based on performance-related features and their associated utility. (42 U.S.C. 6295(q)(1); 42 U.S.C. 6316(a)) The ''features'' provision, the seven factors for economic justification, and the product class provisions are all required considerations in establishing new and amended energy conservation standards.

As mentioned previously, a ''feature'' is a trait, attribute, or function of a product. The usefulness and benefit provided to a consumer by a feature is the feature's ''utility,'' and consumer utility is used to evaluate whether a purported feature justifies a separate product class. DOE has historically viewed utility of a product or equipment as an aspect of the appliance that is accessible to the layperson consumer and is based upon user operation and interaction with that appliance. Examples of features, such as oven door windows and angle of access for clothes washers, are illustrative of this principle. Consumers use the oven door window (in conjunction with the oven lamp) to gauge the progress of food undergoing baking, without the need to open the oven door. Needing to open the oven door entails loss of heat, which would decrease the energy efficiency of the oven. The oven door window is a feature which consumers generally appreciate and with which they routinely interact when cooking. The window's elimination would result in the loss of a performance-related feature that provides valued utility for consumers. Another example would be the angle of access of a clothes washer. Currently, consumers have two options when purchasing clothes washers: Front-loading machines and top-loading machines. Some consumers, such as the elderly, may prefer a top-loading clothes washer, because it is easier to reach the laundry without excessive bending, which is in contrast to the angle of access of a front-loading washer. A broader spectrum of consumers recognizes and appreciates the ability of a top-loading washer to readily accept additional clothing items, even after a wash cycle has begun. Other consumers, such as those with disabilities, may prefer a front-loading machine because that angle of access better suits their access needs. The two angles provided consumer utility in terms of ease of use to different consumer subgroups. Consequently, consistent with the requirements of EPCA, DOE viewed angle of access as a performance-related feature for clothes washers that cannot be eliminated from the market through adoption of an energy conservation standard.

In contrast to the examples discussed in the preceding paragraph, DOE has historically viewed a consumer's interaction with a furnace or water heater to be a simple one, whereby the user only interacts to place a call for heated air or water. After the consumer

adjusts the thermostat or faucet, the user receives the requested heated air or water. There is no noticeable difference to the consumer in access or output based upon the type of technology or venting used by the appliance. As noted previously, this had been DOE's longstanding interpretation of EPCA's ''features'' provision in the context of these appliances until the January 15. 2021 final interpretive rule, and for the reasons explained in the following paragraphs, DOE proposes to once again return to an interpretation that different venting methods of natural gas, propane gas, and/or oil-fired furnaces, water heaters, and similarly-situated products or equipment are not features that provide unique utility to consumers independent from such appliances' function of providing heated air or water, as applicable.

Furthermore, DOE has tentatively concluded that it gave insufficient weight to other policy arguments in development of the January 15, 2021 final interpretive rule. Most importantly, as explained in prior rulemakings, tying the concept of ''feature'' to a specific technology would effectively lock in the currently existing technology as the ceiling for product efficiency and eliminate DOE's ability to address technological advances that could yield significant consumer benefits in the form of lower energy costs while providing the same functionality/utility for the consumer. 81 FR 65720, 65752 (Sept. 23, 2016). Because the statute effectively accords performance-related features a protected status, the Department must take great care when making a features determination. Although DOE acknowledges that the January 15, 2021 final interpretive rule suggested that making a features determination would not impede innovation and the development of more efficient technologies, after careful reevaluation, the agency has tentatively reached a different conclusion, for the reasons explained in this proposed interpretive rule. DOE is concerned that determining features solely on product technology, rather than on how the consumer interacts with and benefits from the feature, could undermine the Appliance Standards Program as established by EPCA. *See id.* If DOE is required to maintain separate product classes to preserve less efficient technologies, then future advancements in the energy efficiency of covered products would become largely voluntary, an outcome in conflict with Congress's purposes and goals in enacting EPCA. DOE's proposed interpretation would avoid such deleterious outcomes.

Finally, the proposed revised interpretation would maintain consideration of installation costs as part of the extensive analysis of economic justification for the adoption of any new or amended energy conservation standard, as required by EPCA, thereby avoiding what would amount to double-counting of cost considerations as arguably would occur through the January 15, 2021 final interpretive rule. In order for DOE to set an energy conservation standard, EPCA requires that such standard must be designed to achieve the maximum improvement in energy savings that is technologically feasible and economically justified. The statute further recites seven factors for use when considering economic justification.[6] (42 U.S.C. 6295(o)(2)–(3); 42 U.S.C. 6313(a)(6)(A)–(C); 42 U.S.C. 6316(a)) DOE again notes that the statute's ''features'' provision makes no mention of cost as a relevant consideration. (42 U.S.C. 6295(o)(4); 42 U.S.C. 6313(a)(6)(B)(iii)(II)(aa)) As required by EPCA, DOE conducts a comprehensive economic analysis as part of each standards rulemaking. In this case, DOE originally considered the additional costs associated with installing condensing residential furnaces and condensing commercial water heaters in the rulemaking proceedings for those appliances that were withdrawn in conjunction with the January 2021 interpretive rule (*See* 81 FR 65720, 65776–65783 (Sept. 23, 2016); 81 FR 34440, 34484–34485 (May 31, 2016)) and would do so again in future rulemakings if the interpretation in this proposal were to be finalized.

The Department acknowledges that in its January 2021 final interpretive rule, it extended its view of consumer utility of furnaces and water heaters beyond those appliances' primary function of providing heated air or water, giving considerable weight to installation situations that could require the addition of new pipes or venting to the usable space of a home or business, major modifications to a utility room, or encroachment upon an existing window or patio. 86 FR 4776, 4786 (Jan. 15, 2021). However, upon further evaluation, DOE realizes that its change in interpretation was unnecessary and arguably beyond what the statute can support, because even if the Department had definitive evidence regarding the extent of difficult or impossible installation situations, loss of usable residential or commercial space, or fuel switching effects, DOE nonetheless had a strong statutorily-based rationale for its historic interpretation, as would support a subsequent return thereto. If consumer utility turns on the layperson's operation and interaction with the product (*i.e.,* calling for and enjoying the heated air or water which the appliance in question provides) rather than type of venting, then all furnaces and water heaters provide the same basic utility: heated air or water. While DOE acknowledges that installation of condensing products/equipment requires modifications to the installed space in some applications (*e.g.,* concealing vent pipes that pass through the living space by inclusion in a soffit), such modifications may impact the installation cost and/or complexity, but once installed, they do not impact the user's operation and interaction with the appliance. Moreover, the Department understands that there are technological solutions for most difficult installation situations and that consumers also have heating and water-heating options other than installation of a condensing appliance. Consequently, the agency tentatively finds that the matter essentially boils down to one of cost, which is a topic properly analyzed and adequately addressed under the economic justification provisions of EPCA. DOE's reasoning, which is consistent with the Department's historic interpretation, is discussed in further detail in the paragraphs that follow. However, before turning to that rationale, DOE would add furthermore that it has tentatively concluded that it gave undue weight to

[6] Specifically, at 42 U.S.C. 6295(o)(2)(B)(i) (and with essentially the same language at 42 U.S.C. 6313(a)(6)(B)(ii)), EPCA provides: In determining whether a standard is economically justified, the Secretary shall, after receiving views and comments furnished with respect to the proposed standard, determine whether the benefits of the standard exceed its burdens by, to the greatest extent practicable, considering—

(I) the economic impact of the standard on the manufacturers and on the consumers of the products subject to such standard;

(II) the savings in operating costs throughout the estimated average life of the covered product in the type (or class) compared to any increase in the price of, or in the initial charges for, or maintenance expenses of, the covered products which are likely to result from the imposition of the standard;

(III) the total projected amount of energy, or as applicable, water, savings likely to result directly from the imposition of the standard;

(IV) any lessening of the utility or the performance of the covered products likely to result from the imposition of the standard;

(V) the impact of any lessening of competition, as determined in writing by the Attorney General, that is likely to result from the imposition of the standard;

(VI) the need for national energy and water conservation; and

(VII) other factors the Secretary considers relevant.

these arguments presented by the Gas Industry Petitioners, which were largely based upon anecdotal accounts and limited installer survey data. After reexamining the record, DOE has preliminarily determined that the qualitative arguments made by the Gas Industry Petitioners were not accompanied by sufficient evidence to establish the existence or magnitude of the alleged problem, as would support the significant change from DOE's historic interpretation to the interpretation contained in the January 2021 final interpretive rule.

As noted previously, upon reconsideration, DOE has tentatively concluded that consumers have other options for resolving difficult installation situations—the situations that provided two of the three reasons for the January 15, 2021 final interpretive rule—without the need for the Department to declare non-condensing technology and associated venting to be a performance-related feature under EPCA. This provides a further basis for DOE's proposed return to its historic interpretation. In short, consumers facing difficult installation situations can either: (1) Utilize a technological solution to resolve their installation problem, or (2) switch to an appliance utilizing alternative technologies. Either approach would allow those consumers with potentially difficult installation situations to choose how best to avoid loss of usable space, extensive building modifications, or extreme installation costs identified in the January 15, 2021 final interpretive rule.

The first option is to use new technology to overcome identified installation problems. It has been DOE's historic position that there is a technological solution to accommodate virtually all of the difficult installation situations involving gas-fired appliances, although some might be costly (*e.g.,* requiring new venting). Although a critical piece of the Gas Industry Petitioners' argument in support of their petition was that it may be impossible to install a condensing appliance in certain replacement applications, they never provided any definitive proof as to the existence of this problem or its extent. In promulgating the January 15, 2021 final interpretive rule, DOE found these theories persuasive, but upon further examination, there is at best weak foundational support to challenge the Appliance Standards Program's record of evidence that it is technologically feasible to install condensing appliances in virtually all replacement applications. If the consumer's affinity for gas-fueled appliances is sufficiently high to warrant their continued use, the consumer will choose to make such changes when installing the more efficient appliance, which reflects an economic decision.

Technological solutions should also resolve the specific issue of orphaned water heaters identified by the Gas Industry Petitioners. (An ''orphaned water heater'' refers to the situation in which a non-condensing furnace and non-condensing water heater share a common vent, but, upon replacement of the non-condensing furnace with a condensing furnace, they can no longer share that same venting due to differences in venting requirements.) DOE has, in fact, identified a newer technology for which comprehensive data are currently unavailable, but when mature, it could address the issue of orphaned appliances, allow consumers to switch from a non-condensing furnace to a condensing furnace, and permit continued use of existing common venting in a greater variety of applications.[7] 86 FR 4776, 4781 (Jan. 15, 2021). More specifically, this venting technology may allow a consumer to obtain the efficiency of a condensing furnace using the existing venting in a residence by sharing venting space with a water heater. It would significantly reduce the cost burden associated with installing condensing furnaces and reduce potential instances of ''orphaned'' water heaters. This technology could allow consumers to switch from a non-condensing furnace to a condensing furnace in a greater variety of applications, such as urban row houses. *See* 80 FR 13120, 13138 (March 12, 2015). DOE is concerned that characterizing the method of venting as a ''feature'' due to concerns over orphaned water heaters would limit future advancements in this technology, because establishment of separate product or equipment classes for non-condensing appliances would limit the market for such innovative devices that allow condensing and non-condensing appliances to share the same venting.[8] Consequently, DOE has reconsidered and changed its view regarding the argument put forth in the January 2021 Final Interpretation—that replacement of a non-condensing furnace with a condensing unit may result in an orphaned water heater. 86 FR 4776, 4785 (Jan. 15, 2021).

DOE would also clarify that the present case of non-condensing gas-fired residential furnaces and commercial water heaters is distinguishable from certain other products that the Department has regulated in the past, such as space-constrained central air conditioners and ventless and compact clothes dryers. DOE explained in two direct final rules that the latter products necessitated design differences related to their reduced size or ventless operation that inherently limited their energy efficiency, and the agency set separate classes on that basis. For ventless clothes dryers, DOE also found that certain consumers (*e.g.,* high-rise apartment dwellers) might not be able to have a clothes dryer at all, unless a ventless option were available. *See* 76 FR 37408, 37439–37440 (June 27, 2011); 76 FR 22454, 22485 (April 21, 2011). In contrast, there are insufficient data to show that consumers would be without furnace and water heater options in the absence of non-condensing furnaces and water heaters. Furthermore, the subject non-condensing furnaces and water heaters are not significantly different in overall footprint or size from their condensing counterparts (although the composition of the venting used may be different), and the energy efficiency differences are a result of the technology used, a design parameter that is dictated by considerations other than size.

The second option for resolving difficult installation situations would be for the consumer to replace a gas-fired furnace or water heater with an electric heat pump or water heater, thereby

[7] In the technical support documents accompanying the proposed rules for residential furnaces, DOE referenced a study from the Oak Ridge National Laboratory that identified various approaches to address the orphaned water heater problem without the need for expensive renovations. *See* Momen, A. M., J. Munk, K. Biswas, and P. Hughes, *Condensing Furnace Venting Part 2: Evaluation of Same-Chimney Vent Systems for Condensing Furnaces and Natural Draft Water Heaters (2015)* Oak Ridge National Laboratory: Oak Ridge, TN. Report No. ORNL/TM–2014/656 (Available at: *web.ornl.gov/sci/buildings/docs/Condensing-Furnace-Venting-Part1-Report.pdf*) (Last accessed May 6, 2021).

[8] Although DOE argued in the January 15, 2021 final interpretive rule that establishment of separate product or equipment classes would not limit innovation or market trends toward condensing appliances (*see* 86 FR 4776, 4805), the Department has come to question whether such view is correct, given the potential for a substantial portion of the relevant appliance market to remain at significantly lower levels of efficiency. Even if current trends toward condensing appliances hold, the market might stall before achieving the full energy-savings benefits that EPCA might capture through adoption of an appropriate energy conservation standard(s), a result contrary to the statute's goals. The same principle holds in the context of innovative vent-sharing technologies, because in addressing difficult installations, the January 15, 2021 final interpretive rule essentially undermines a significant component of the market for such technological solutions. Rather than encourage a technological solution with a high energy-savings potential, the Department has come to see that the January 15, 2021 final interpretive rule inappropriately substituted maintenance of a *status quo* with lower energy-savings potential.

obviating the need for extensive changes to existing venting. Consumers routinely make such choices where they deem it appropriate, which reflects an economic decision. This option would accommodate the needs of consumers who are predominantly concerned with loss of usable space or aesthetics [9] because it would obviate the need to make significant changes to the residential or commercial space. Nothing in EPCA precludes such effects, as long as DOE's standard would not eliminate the appliance of that fuel type entirely, and in this case, maintaining non-condensing and condensing units under a single class of product or equipment would not eliminate the availability of natural gas, propane, or other fuel type models from the U.S. market.

It bears noting that while EPCA recognizes that various fuel types exist in the appliance marketplace and provides certain protections, it does not directly address fuel switching or mandate that DOE take regulatory action to preclude such marketplace effects. In certain appropriate cases, Congress set statutory energy conservation standard levels for products, such as consumer water heaters (*see* 42 U.S.C. 6295(e)(1)) and consumer boilers (*see* 42 U.S.C. 6295(f)(3)), based on fuel type (*e.g.,* gas, oil, electricity). EPCA also recognizes differences in fuel type under 42 U.S.C. 6295(q)(1)(A), which provides for setting separate classes where appliances ''consume a different kind of energy from that consumed by other covered products within such type (or class).'' Notably, however, ECPA's ''features'' provision at 42 U.S.C. 6295(o)(4) does not include fuel type within its ambit. Thus, Congress structured EPCA to recognize fuel-type distinctions and to create a level playing field, while balancing the need for overall energy savings. In historically implementing the Appliance Standards Program, DOE has similarly sought to adhere to a policy of fuel neutrality, *where consistent with EPCA.* DOE develops energy conservation standards in compliance with the statutory requirements of EPCA, which does not generally involve cross-class comparisons for standard setting. Although DOE typically analyzes fuel-switching effects, the agency is generally free to set an appropriate level under the applicable statutory criteria regardless of any ancillary fuel-switching effects. Thus, to the extent the January 15, 2021 final interpretive rule sought to enshrine an agency obligation to prevent fuel-switching, such action was without statutory basis. Moreover, DOE finds the Gas Industry Petitioners' arguments about potential fuel switching to be likely overstated for the reasons explained subsequently.

To start, the January 15, 2021 final interpretive rule was misguided in suggesting that any rule that would result in fuel switching violates the fuel neutrality principle, because fuel switching occurs frequently and most certainly in the context of new energy conservation standards. Fuel switching is a natural part of market operation for the subject appliances, and it may occur even in the absence of amended energy conservation standards. Installation costs may influence consumer decisions regarding fuel choice, and at any time, a segment of consumers may choose replacement products that rely on a different fuel source than that of the unit being replaced. With that said, the mere potential for fuel switching should not serve as the basis for establishment of a performance-related feature under EPCA.

The appropriate threshold for when fuel switching violates the fuel neutrality principle requires a degree of fuel switching that is much greater than typically found in DOE energy conservation standards rulemakings. Given DOE's policy of fuel neutrality and because fuel switching may be impacted by the adoption of standards, when conducting an energy conservation standards rulemaking, the Department routinely accounts for potential fuel switching in its consumer choice model, which is one part of its full suite of analyses. In certain applications, consumers may choose to replace natural gas or propane gas products with electric products that provide the same utility in the face of changed standards. The extent to which consumers might replace natural gas or propane products with electric products is dependent in part on the stringency of the standards.[10] *See e.g.,* 81 FR 65720, 65791–65793 (Sept. 23, 2016). DOE has typically found fuel switching to occur in a small number of cases in any given rulemaking, and based upon currently available information, the Department does not expect that instances of fuel switching would be significantly different for the subject residential furnaces, commercial water heaters, and similarly-situated products or equipment.

For example, DOE notes that it was required by statute in a prior rulemaking to consider differential standards for small furnaces based upon input capacity as a means to address fuel switching. Specifically, under 42 U.S.C. 6295(f)(1)(B), Congress directed DOE to consider the appropriate standard level to be set for furnaces with an input capacity of less than 45 kBtu/h. In doing so, Congress directed DOE to consider a standard level within a specified range that was not likely to result in a significant shift from gas heating to electric resistance heating with respect to either residential construction or furnace replacement. *Id.* See also 54 FR 47916 (Nov. 17, 1989) (final rule adopting energy conservation standards for ''small'' furnaces). In the September 2016 Furnace SNOPR, DOE considered the potential for reduction of fuel-switching in proposing the capacity-based standards. 81 FR 65720, 65755 (Sept. 23, 2016). Regarding commercial water heaters, DOE initially determined that fuel switching beyond the continuation of historical trends would be unlikely due to differences in operating costs and differences in hot water delivery capacity. 81 FR 34440, 34494 (May 31, 2016). Although the Gas Industry Petitioners made vocal arguments to the contrary about fuel switching in support of their petition and in the context of various rulemaking proceedings, they did not provide data to substantiate these claims.

In this case, there is insufficient evidence that fuel switching would be greater than is typically encountered in DOE rulemakings. DOE notes that the incidence of fuel switching for the subject appliances may be mitigated further by the availability of technological solutions such as the vent-sharing device discussed previously. For all of these reasons, DOE does not find potential fuel switching alone to be a basis to support a determination that non-condensing technology and associated venting constitute a performance-related feature.

[9] DOE notes that in the January 15, 2021 final interpretive rule, the Department clarified that in discussing ''aesthetics,'' it sought to distinguish between purely subjective considerations (*e.g.,* even the slightest change in color or shape) and physical modifications to a dwelling or business that would be appreciably noticed by the consumer and impact the use of the living or commercial space. In that final interpretive rule, DOE explained that it would limit consideration of performance-related features to the latter group, because a proliferation of product/equipment classes was neither intended nor desired. 86 FR 4776, 4799–4800. However, in this current proposed interpretive rule, the option to replace a non-condensing, gas-fired appliance with a comparable electric appliance empowers individual consumers to make the choice of when aesthetic concerns warrant such change.

[10] For the trial standard levels evaluated in the September 2016 SNOPR, DOE estimated between 1.5 percent and 16.0 percent of customers would replace a non-weatherized gas furnace with either a heat pump or an electric furnace, depending on the stringency of the evaluated standard levels.

Based on the foregoing discussion, DOE proposes to revise its interpretation of EPCA's ''features'' provision in the context of condensing and non-condensing technology used in furnaces, water heating equipment, and similarly-situated appliances (where permitted by EPCA) along the lines discussed previously. Accordingly, DOE tentatively concludes that in the context of residential furnaces, commercial water heaters, and similarly-situated products/equipment, use of non-condensing technology (and associated venting) is not a performance-related ''feature'' for the purpose of the EPCA prohibitions at 42 U.S.C. 6295(o)(4) and 42 U.S.C. 6313(a)(6)(B)(iii)(II)(aa).

III. Conclusion

DOE has initially determined that its proposed interpretation is the best reading of the language of EPCA and DOE's statutory obligation to establish energy conservation standards for covered products and equipment. Additionally, the proposed interpretation would allow DOE to consider more efficient standards for certain products and equipment.

DOE is proposing to revise its application of the ''features'' provisions in 42 U.S.C. 6295(o)(4) and 42 U.S.C. 6313(a)(6)(B)(iii)(II)(aa) as an interpretive rule within the meaning of the Administrative Procedure Act (APA). 5 U.S.C. 551(4); 5 U.S.C. 553(b). DOE is publishing this proposed interpretive rule to solicit comment and to provide the public with a clear and transparent explanation of DOE's view of a specific legal question, thereby following a process similar to that which resulted in the January 2021 final interpretive rule.

DOE wishes to make clear that an interpretive rule is a type of rule or regulation within the meaning of those terms in the Administrative Procedure Act, 5 U.S.C. 551(4). It is well established under the APA that agencies have the authority to issue interpretive rules, and that these rules are a valuable tool for an agency to use to advise the public prospectively and in a clear and transparent manner of the agency's construction of a statute it administers.

Once again, it is noted that DOE withdrew its March 12, 2015 proposed rule and September 23, 2016 supplemental proposed rule for energy conservation standards for non-weatherized gas furnace and mobile home gas furnaces, as well as its May 31, 2016 proposed rule for energy conservation standards for commercial water heating equipment, for further proceedings consistent with the interpretation contained in the January 15, 2021 final interpretive rule. 86 FR 4776, 4817 (Jan. 15, 2021); *see also* 86 FR 3873 (Jan. 15, 2021). As explained in this document, DOE is once again examining its interpretation of the relevant statutory provisions in the context of residential furnaces, commercial water heating equipment, and similarly-situated products/equipment. When this proceeding is complete, DOE plans to again evaluate whether amended energy conservation standards would result in significant savings of energy, be technologically feasible, and be economically justified, consistent with its latest interpretation.

However, in any future rulemaking, DOE would make clear that the rulemakings for residential furnaces and commercial water heating equipment have been subject to multiple rounds of public comment, including public meetings, and that extensive records have been developed in the relevant dockets. (*See* Docket Number EERE–2014–BT–STD–0031 and Docket Number EERE–2014–BT–STD–0042, respectively). Consequently, DOE wishes to reassure stakeholders that the information obtained through those earlier rounds of public comment, information exchange, and data gathering have not gone to waste. Instead, DOE anticipates building upon the existing record through further notice and comment rulemaking. Such an approach also reflects DOE's cognizance of the statutory deadlines associated with the energy conservation standards for residential furnaces and commercial water heating equipment.

Review Under Executive Order 12866

The Office of Information and Regulatory Affairs (OIRA) in the Office of Management and Budget (OMB) waived review of this proposed interpretive rule under Executive Order 12866, ''Regulatory Planning and Review.'' 58 FR 51735 (Oct. 4, 1993).

IV. Public Participation

DOE invites all interested parties to submit in writing by the date listed in the **DATES** section of this document, comments and information regarding this proposed interpretive rule. Interested parties may submit comments, data, and other information using any of the methods described in the **ADDRESSES** section at the beginning of this document.

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

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

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

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

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

Include contact information each time you submit comments, data, documents,

and other information to DOE. No telefacsimiles (faxes) will be accepted.

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

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

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

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

V. Approval of the Office of the Secretary

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

Signing Authority

This document of the Department of Energy was signed on August 17, 2021, by Kelly Speakes-Backman, Principal Deputy Assistant Secretary and Acting Assistant Secretary for Energy Efficiency and Renewable Energy, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on August 18, 2021.

Treena V. Garrett,

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

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DEPARTMENT OF ENERGY

10 CFR Part 431

[EERE–2019–BT–STD–0018]

RIN 1904–AE12

Energy Conservation Program: Energy Conservation Standards for Distribution Transformers, Webinar and Availability of the Preliminary Technical Support Document

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

ACTION: Notification of a webinar and availability of preliminary technical support document.

SUMMARY: The U.S. Department of Energy (DOE) will hold a webinar to discuss and receive comments on the preliminary analysis it has conducted for purposes of evaluating energy conservation standards for distribution transformers. The webinar will cover the analytical framework, models, and tools that DOE is using to evaluate potential standards for this equipment; the results of preliminary analyses performed by DOE for this equipment; the potential energy conservation standard levels derived from these analyses that DOE could consider for this product should it determine that proposed amendments are necessary; and any other issues relevant to the evaluation of energy conservation standards for distribution transformers. In addition, DOE encourages written comments on these subjects.

DATES:

Meeting: DOE will hold a webinar on Wednesday, September 29, 2021, from 10 a.m. to 2 p.m. See section IV, ''Public Participation,'' for webinar registration information, participant instructions and information about the capabilities available to webinar participants.

Comments: Written comments and information will be accepted on or before, November 10, 2021.

ADDRESSES: Interested persons are encouraged to submit comments using the Federal eRulemaking Portal at *www.regulations.gov.* Follow the instructions for submitting comments. Alternatively, interested persons may submit comments, identified by docket number EERE–2019–BT–STD–0018, by any of the following methods:

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

2. *Email:* to *DistributionTransfromers 2019STD0018@ee.doe.gov.* Include docket number EERE–2019–BT–STD–0018 in the subject line of the message.

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

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

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

The docket web page can be found at *www.regulations.gov/docket?D=EERE-2019-BT-STD-0018.* The docket web page contains instructions on how to access all documents, including public comments in the docket. See section IV for information on how to submit comments through *www.regulations.gov.*

To inform interested parties and to facilitate this process, DOE has prepared an agenda, a preliminary technical support document (''TSD''), and briefing materials, which are available on the

DOE website at: *www1.eere.energy.gov/buildings/appliance_standards/standards.aspx?productid=55.*

FOR FURTHER INFORMATION CONTACT:

Mr. Jeremy Dommu, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies, EE–5B, 1000 Independence Avenue SW, Washington, DC 20585–0121. Email: *Appliance StandardsQuestions@ee.doe.gov.*

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

SUPPLEMENTARY INFORMATION:

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I. Introduction

A. Authority

The Energy Policy and Conservation Act, as amended (''EPCA''),[1] (42 U.S.C. 6291–6317, as codified) authorizes DOE to regulate the energy efficiency of a number of consumer products and certain industrial equipment. Title III, Part B [2] of EPCA (42 U.S.C. 6291–6309, as codified), established the Energy Conservation Program for ''Consumer Products Other Than Automobiles.'' Title III, Part C [3] of EPCA (42 U.S.C. 6311–6317, as codified), added by Public Law 95–619, Title IV, section 411(a), established the Energy Conservation Program for Certain Industrial Equipment. The Energy Policy Act of 1992, Public Law 102–486, amended EPCA and directed DOE to prescribe energy conservation standards for those distribution transformers for which DOE determines such standards would be technologically feasible, economically justified, and would result in significant energy savings. (42 U.S.C. 6317(a)) The Energy Policy Act of 2005, Public Law 109–58, amended EPCA to establish energy conservation standards for low-voltage dry-type distribution transformers. (42 U.S.C. 6295(y))

EPCA further provides that, not later than six years after the issuance of any final rule establishing or amending a standard, DOE must publish either a notice of determination that standards for the product do not need to be amended, or a notice of proposed rulemaking (''NOPR'') including new proposed energy conservation standards (proceeding to a final rule, as appropriate). (42 U.S.C. 6316(a); 42 U.S.C. 6295(m)(1)) Not later than three years after issuance of a final determination not to amend standards, DOE must publish either a notice of determination that standards for the product do not need to be amended, or a NOPR including new proposed energy conservation standards (proceeding to a final rule, as appropriate). (42 U.S.C. 6316(a); 42 U.S.C. 6295(m)(3)(B))

Under EPCA, any new or amended energy conservation standard must be designed to achieve the maximum improvement in energy efficiency that DOE determines is technologically feasible and economically justified. (42 U.S.C. 6316(a); 42 U.S.C. 6295(o)(2)(A)) Furthermore, the new or amended standard must result in a significant conservation of energy. (42 U.S.C. 6316(a); 42 U.S.C. 6295(o)(3)(B))

DOE is publishing this Preliminary Analysis to collect data and information to inform its decision consistent with its obligations under EPCA.

B. Rulemaking Process

DOE must follow specific statutory criteria for prescribing new or amended standards for covered products and covered equipment, including distribution transformers.[4] As noted, EPCA requires that any new or amended energy conservation standard prescribed by the Secretary of Energy (''Secretary'') be designed to achieve the maximum improvement in energy efficiency (or water efficiency for certain products specified by EPCA) that is technologically feasible and economically justified. (42 U.S.C. 6316(a); 42 U.S.C. 6295(o)(2)(A)) Furthermore, DOE may not adopt any standard that would not result in the significant conservation of energy. (42 U.S.C. 6316(a); 42 U.S.C. 6295(o)(3)) The Secretary may not prescribe an amended or new standard that will not result in significant conservation of energy, or is not technologically feasible or economically justified. (42 U.S.C. 6316(a); 42 U.S.C. 6295(o)(3))

On February 14, 2020, DOE published an update to its procedures, interpretations, and policies for consideration in new or revised energy conservation standards and test procedure, *i.e.,* ''Procedures, Interpretations, and Policies for Consideration of New or Revised Energy Conservation Standards and Test Procedures for Consumer Products and Certain Commercial/Industrial Equipment'' (see 10 CFR 431.4; 10 CFR part 430, subpart C, appendix A (''Process Rule,'')).[5] 85 FR 8626. In the updated Process Rule, DOE established a significance threshold for energy savings under which DOE employs a two-step approach that considers both an absolute site energy savings threshold and a threshold that is a percent reduction in the energy use of the covered product. 10 CFR 431.4; section 6(a) of the Process Rule.

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

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

[3] For editorial reasons, upon codification in the U.S. Code, Part C was re-designated Part A–1.

[4] While EPCA includes provisions regarding distribution transformers in both Part A and Part A–1, for administrative convenience DOE has established the test procedures and standards for distribution transformers in title 10 of the Code of Federal Regulations (''CFR'') in part 431, *Energy Efficiency Program for Certain Commercial and Industrial Equipment.* DOE refers to distribution transformers generally as ''covered equipment'' in this document.

[5] On January 20, 2021, the President issued Executive Order 13990, *Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis.* Exec. Order No. 13,990, 86 FR 7037 (Jan. 25, 2021) (''E.O. 13990''). E.O. 13990 affirms the Nation's commitment to empower our workers and communities; promote and protect our public health and the environment; and conserve our national treasures and monuments. To that end, the stated policies of E.O. 13990 include: Improving public health and protecting our environment; ensuring access to clean air and water; and reducing greenhouse gas emissions. E.O. 13990 section 1. Section 2 of E.O. 13990 directs agencies, in part, to immediately review all existing regulations, orders, guidance documents, policies, and any other similar agency actions (''agency actions'') promulgated, issued, or adopted between January 20, 2017, and January 20, 2021, that are or may be inconsistent with, or present obstacles to, the policy set forth in the Executive Order. E.O. 13990 section 2. In addition, section 2(iii) of E.O. 13990 specifically directs DOE to, as appropriate and consistent with applicable law, publishing for notice and comment a proposed rule suspending, revising, or rescinding the updated Process Rule. In response to this directive, DOE has undertaken a review of the updated Process Rule. See, 86 FR 18901 (Apr. 12, 2021) and 86 FR 35668 (July 7, 2021).

DOE first evaluates the projected energy savings from a potential maximum technologically feasible (''max-tech'') standard over a 30-year period against a 0.3 quads of site energy savings threshold (Section 6(b)(2) of the Process Rule). If the 0.3 quad threshold is not met, DOE then compares the max-tech savings to the total energy usage of the covered product to calculate a percentage reduction in energy usage (10 CFR 431.4; section 6(b)(3) of the Process Rule). If this comparison does not yield a reduction in site energy use of at least 10 percent over a 30-year period, the analysis will end and DOE will propose to determine that no significant energy savings would likely result from setting new or amended standards (10 CFR 431.4; section 6(b)(4) of the Process Rule). If either one of the thresholds is reached, DOE will conduct analyses to ascertain whether a standard can be prescribed that produces the maximum improvement in energy efficiency that is both technologically feasible and economically justified and still constitutes significant energy savings at the level determined to be economically justified. 10 CFR 431.4; section 6(b)(5) of the Process Rule. This two-step approach allows DOE to ascertain whether a potential standard satisfies EPCA's significant energy savings requirements in 42 U.S.C. 6316(a) and 42 U.S.C. 6295(o)(3)(B) to ensure that DOE avoids setting a standard that ''will not result in significant conservation of energy.''

EPCA defines ''energy efficiency'' as the ratio of the useful output of services from an article of industrial equipment to the *energy use* by such article, measured according to the Federal test procedures (42 U.S.C. 6311(3), *emphasis added*). EPCA defines ''energy use'' as the quantity of energy directly consumed by an article of industrial equipment at the point of use, as measured by the Federal test procedures (42 U.S.C. 6311(4)). Further, EPCA uses a household energy consumption metric as a threshold for setting standards for new covered products (42 U.S.C. 6316(a); 42 U.S.C. 6295(l)(1)). Given this context, DOE relies on site energy as the appropriate metric for evaluating the significance of energy savings.

To determine whether a standard is economically justified, EPCA requires that DOE determine whether the benefits of the standard exceed its burdens by considering, to the greatest extent practicable, the following seven factors:

(1) The economic impact of the standard on the manufacturers and consumers of the products subject to the standard;

(2) The savings in operating costs throughout the estimated average life of the covered products in the type (or class) compared to any increase in the price, initial charges, or maintenance expenses for the covered products that are likely to result from the standard;

(3) The total projected amount of energy (or as applicable, water) savings likely to result directly from the standard;

(4) Any lessening of the utility or the performance of the products likely to result from the standard;

(5) The impact of any lessening of competition, as determined in writing by the Attorney General, that is likely to result from the standard;

(6) The need for national energy and water conservation; and

(7) Other factors the Secretary of Energy (Secretary) considers relevant.

(42 U.S.C. 6316(a); 42 U.S.C. 6295(o)(2)(B)(i)(I)–(VII))

DOE fulfills these and other applicable requirements by conducting a series of analyses throughout the rulemaking process. Table I.1 shows the individual analyses that are performed to satisfy each of the requirements within EPCA.

TABLE I.1—EPCA REQUIREMENTS AND CORRESPONDING DOE ANALYSIS

EPCA requirement	Corresponding DOE analysis
Significant Energy Savings	• Shipments Analysis. • National Impact Analysis. • Energy Analysis.
Technological Feasibility	• Market and Technology Assessment. • Screening Analysis. • Engineering Analysis.
Economic Justification:	
1. Economic Impact on Manufacturers and Consumers	• Manufacturer Impact Analysis. • Life-Cycle Cost and Payback Period Analysis. • Consumer Subgroup Analysis.
2. Lifetime Operating Cost Savings Compared to Increased Cost for the Product	• Shipments Analysis. • Markups for Product Price Analysis. • Energy Analysis. • Life-Cycle Cost and Payback Period Analysis.
3. Total Projected Energy Savings	• Shipments Analysis. • National Impact Analysis.
4. Impact on Utility or Performance	• Screening Analysis. • Engineering Analysis.
5. Impact of Any Lessening of Competition	• Manufacturer Impact Analysis.
6. Need for National Energy and Water Conservation	• Shipments Analysis. • National Impact Analysis.
7. Other Factors the Secretary Considers Relevant	• Employment Impact Analysis. • Utility Impact Analysis. • Emissions Analysis. • Monetization of Emission Reductions Benefits. • Regulatory Impact Analysis.

Further, EPCA establishes a rebuttable presumption that a standard is economically justified if the Secretary finds that the additional cost to the consumer of purchasing an equipment complying with an energy conservation standard level will be less than three times the value of the energy savings during the first year that the consumer will receive as a result of the standard, as calculated under the applicable test

procedure (42 U.S.C. 6316(a); 42 U.S.C. 6295(o)(2)(B)(iii)).

EPCA also contains what is known as an ''anti-backsliding'' provision, which prevents the Secretary from prescribing any amended standard that either increases the maximum allowable energy use or decreases the minimum required energy efficiency of a covered equipment (42 U.S.C. 6316(a); 42 U.S.C. 6295(o)(1)). Also, the Secretary may not prescribe an amended or new standard if interested persons have established by a preponderance of the evidence that the standard is likely to result in the unavailability in the United States in any covered equipment type (or class) of performance characteristics (including reliability), features, sizes, capacities, and volumes that are substantially the same as those generally available in the United States (42 U.S.C. 6316(a); 42 U.S.C. 6295(o)(4)).

Additionally, EPCA specifies requirements when promulgating an energy conservation standard for covered equipment that has two or more subcategories. DOE must specify a different standard level for a type or class of product that has the same function or intended use, if DOE determines that products within such group: (A) Consume a different kind of energy from that consumed by other covered products within such type (or class); or (B) have a capacity or other performance-related feature which other products within such type (or class) do not have and such feature justifies a higher or lower standard (42 U.S.C. 6316(a); 42 U.S.C. 6295(q)(1)). In determining whether a performance-related feature justifies a different standard for a group of equipment, DOE must consider such factors as the utility to the consumer of the feature and other factors DOE deems appropriate. *Id.* Any rule prescribing such a standard must include an explanation of the basis on which such higher or lower level was established (42 U.S.C. 6316(a); 42 U.S.C. 6295(q)(2)).

Before proposing a standard, DOE seeks public input on the analytical framework, models, and tools that DOE intends to use to evaluate standards for the equipment at issue and the results of preliminary analyses DOE performed for the equipment.

DOE is examining whether to amend the current standards pursuant to its obligations under EPCA. This notification announces the availability of the preliminary TSD, which details the preliminary analyses and summarizes the preliminary results of DOE's analyses. In addition, DOE is announcing a public webinar to solicit feedback from interested parties on its analytical framework, models, and preliminary results.

II. Background

A. Current Standards

In a final rule published on April 18, 2013 (''April 2013 Standards Final Rule''), DOE prescribed the current energy conservation standards for distribution transformers manufactured on and after January 1, 2016. 78 FR 23336, 23433. These standards are set forth in DOE's regulations at 10 CFR 431.196 and are repeated in Table II.1, Table II.2, Table II.3 of this document.

TABLE II.1—FEDERAL ENERGY CONSERVATION STANDARDS FOR LOW-VOLTAGE DRY-TYPE DISTRIBUTION TRANSFORMERS

Single-phase		Three-phase	
kVA	Efficiency (%)	kVA	Efficiency (%)
15	97.70	15	97.89
25	98.00	30	98.23
37.5	98.20	45	98.40
50	98.30	75	98.60
75	98.50	112.5	98.74
100	98.60	150	98.83
167	98.70	225	98.94
250	98.80	300	99.02
333	98.90	500	99.14
		750	99.23
		1,000	99.28

TABLE II.2—FEDERAL ENERGY CONSERVATION STANDARDS FOR LIQUID-IMMERSED DISTRIBUTION TRANSFORMERS

Single-phase		Three-phase	
kVA	Efficiency (%)	kVA	Efficiency (%)
10	98.70	15	98.65
15	98.82	30	98.83
25	98.95	45	98.92
37.5	99.05	75	99.03
50	99.11	112.5	99.11
75	99.19	150	99.16
100	99.25	225	99.23
167	99.33	300	99.27
250	99.39	500	99.35
333	99.43	750	99.40
500	99.49	1,000	99.43
667	99.52	1,500	99.48
833	99.55	2,000	99.51
		2,500	99.52

TABLE II.3—FEDERAL ENERGY CONSERVATION STANDARDS FOR MEDIUM-VOLTAGE DRY-TYPE DISTRIBUTION TRANSFORMERS

Single-phase				Three-phase			
kVA	BIL			kVA	BIL		
	20–45 kV	46–95 kV	≥96 kV		20–45 kV	46–95 kV	≥96 kV
	Efficiency (%)	Efficiency (%)	Efficiency (%)		Efficiency (%)	Efficiency (%)	Efficiency (%)
15	98.1	97.86		15	97.5	97.18	
25	98.33	98.12		30	97.9	97.63	
37.5	98.49	98.3		45	98.1	97.86	
50	98.6	98.42		75	98.33	98.13	
75	98.73	98.57	98.53	112.5	98.52	98.36	
100	98.82	98.67	98.63	150	98.65	98.51	
167	98.96	98.83	98.80	225	98.82	98.69	98.57
250	99.07	98.95	98.91	300	98.93	98.81	98.69
333	99.14	99.03	98.99	500	99.09	98.99	98.89
500	99.22	99.12	99.09	750	99.21	99.12	99.02
667	99.27	99.18	99.15	1,000	99.28	99.2	99.11
833	99.31	99.23	99.20	1,500	99.37	99.3	99.21
				2,000	99.43	99.36	99.28
				2,500	99.47	99.41	99.33

B. Current Process

On June 18, 2019, DOE published notice that it was initiating an early assessment review to determine whether any new or amended standards would satisfy the relevant requirements of EPCA for a new or amended energy conservation standard for distribution transformers and a request for information (''RFI''). 84 FR 28239 (''June 2019 Early Assessment Review RFI''). Specifically, through the published notice and request for information, DOE sought data and information that could enable the agency to determine whether DOE should propose a ''no new standard'' determination because a more stringent standard: (1) Would not result in a significant savings of energy; (2) is not technologically feasible; (3) is not economically justified; or (4) any combination of foregoing. *Id.*

Comments received to date as part of the current process have helped DOE identify and resolve issues related to the preliminary analyses. Chapter 2 of the preliminary TSD summarizes and addresses the comments received.

III. Summary of the Analyses Performed by DOE

For the equipment covered in this preliminary analysis, DOE conducted in-depth technical analyses in the following areas: (1) Engineering; (2) markups to determine product price; (3) energy use; (4) life cycle cost (''LCC'') and payback period (''PBP''); and (5) national impacts. The preliminary TSD that presents the methodology and results of each of these analyses is available at *www.regulations.gov/docket/EERE-2019-BT-STD-0018*.

DOE also conducted, and has included in the preliminary TSD, several other analyses that support the major analyses or are preliminary analyses that will be expanded if DOE determines that a NOPR is warranted to propose amended energy conservation standards. These analyses include: (1) The market and technology assessment; (2) the screening analysis, which contributes to the engineering analysis; and (3) the shipments analysis, which contributes to the LCC and PBP analysis and the national impact analysis (''NIA''). In addition to these analyses, DOE has begun preliminary work on the manufacturer impact analysis and has identified the methods to be used for the consumer subgroup analysis, the emissions analysis, the employment impact analysis, the regulatory impact analysis, and the utility impact analysis. DOE will expand on these analyses in the NOPR should one be issued.

A. Engineering Analysis

The purpose of the engineering analysis is to establish the relationship between the efficiency and cost of distribution transformers. There are two elements to consider in the engineering analysis; the selection of efficiency levels to analyze (*i.e.,* the ''efficiency analysis'') and the determination of equipment cost at each efficiency level (*i.e.,* the ''cost analysis''). In determining the performance of higher-efficiency equipment, DOE considers technologies and design option combinations not eliminated by the screening analysis. For each equipment class, DOE estimates the manufacturer production cost (''MPC'') for the baseline as well as higher efficiency levels. The output of the engineering analysis is a set of cost-efficiency ''curves'' that are used in downstream analyses (*i.e.,* the LCC and PBP analyses and the NIA).

DOE converts the MPC to the manufacturer selling price (''MSP'') by applying a manufacturer markup. The MSP is the price the manufacturer charges its first customer, when selling into the equipment distribution channels. The manufacturer markup accounts for manufacturer non-production costs and profit margin. DOE developed the manufacturer markup by examining publicly available financial information for manufacturers of the covered product.

See Chapter 5 of the preliminary TSD for additional detail on the engineering analysis.

B. Markups Analysis

The markups analysis develops appropriate markups (*e.g.,* retailer markups, distributor markups, contractor markups) in the distribution chain and sales taxes to convert MSP estimates derived in the engineering analysis to consumer prices, which are then used in the LCC and PBP analysis. At each step in the distribution channel, companies mark up the price of the product to cover business costs and profit margin.

DOE developed baseline and incremental markups for each actor in the distribution chain. Baseline markups are applied to the price of products with baseline efficiency, while incremental markups are applied to the difference in price between baseline and higher-efficiency models (the

incremental cost increase). The incremental markup is typically less than the baseline markup and is designed to maintain similar per-unit operating profit before and after new or amended standards.[6]

Chapter 6 of the preliminary TSD provides details on DOE's development of markups for distribution transformers.

C. Energy Use Analysis

The energy use analysis produces energy use estimates and end-use load shapes for distribution transformers. The energy use analysis estimates the range of energy use of distribution transformers in the field (*i.e.,* as they are actually used by consumers) enabling evaluation of energy savings from the operation of distribution transformer equipment at various efficiency levels, while the end-use load characterization allows evaluation of the impact on monthly and peak demand for electricity. The energy use analysis provides the basis for other analyses DOE performed, particularly assessments of the energy savings and the savings in operating costs that could result from adoption of amended or new standards.

Chapter 7 of the preliminary TSD addresses the energy use analysis.

D. Life-Cycle Cost and Payback Period Analyses

The effect of new or amended energy conservation standards on individual consumers usually involves a reduction in operating cost and an increase in purchase cost. DOE used the following two metrics to measure consumer impacts:

- The LCC is the total consumer expense of an appliance or product over the life of that product, consisting of total installed cost (manufacturer selling price, distribution chain markups, sales tax, and installation costs) plus operating costs (expenses for energy use, maintenance, and repair). To compute the operating costs, DOE discounts future operating costs to the time of purchase and sums them over the lifetime of the product.
- The PBP is the estimated amount of time (in years) it takes consumers to recover the increased purchase cost (including installation) of a more-efficient product through lower operating costs. DOE calculates the PBP by dividing the change in purchase cost at higher efficiency levels by the change in annual operating cost for the year that amended or new standards are assumed to take effect.

Chapter 8 of the preliminary TSD addresses the LCC and PBP analyses.

E. National Impact Analysis

The NIA estimates the national energy savings (''NES'') and the net present value (''NPV'') of total consumer costs and savings expected to result from amended standards at specific efficiency levels (referred to as candidate standard levels).[7] DOE calculates the NES and NPV for the potential standard levels considered based on projections of annual equipment shipments, along with the annual energy consumption and total installed cost data from the energy use and LCC analyses. For the present analysis, DOE projected the energy savings, operating cost savings, equipment costs, and NPV of consumer benefits over the lifetime of distribution transformers sold from 2025 through 2054.

DOE evaluates the impacts of new or amended standards by comparing a case without such standards with standards-case projections (''no-new-standards case''). The no-new-standards case characterizes energy use and consumer costs for each equipment class in the absence of new or amended energy conservation standards. For this projection, DOE considers historical trends in efficiency and various forces that are likely to affect the mix of efficiencies over time. DOE compares the no-new-standards case with projections characterizing the market for each equipment class if DOE adopted new or amended standards at specific energy efficiency levels for that class. For each efficiency level, DOE considers how a given standard would likely affect the market shares of equipment with efficiencies greater than the standard.

DOE uses a spreadsheet model to calculate the energy savings and the national consumer costs and savings from each efficiency level. Interested parties can review DOE's analyses by changing various input quantities within the spreadsheet. The NIA spreadsheet model uses typical values (as opposed to probability distributions) as inputs. Critical inputs to this analysis include shipments projections, estimated product lifetimes, product installed costs and operating costs, product annual energy consumption, the base case efficiency projection, and discount rates.

DOE estimates a combined total of 4.0 quads of site energy savings at the max-tech efficiency levels for distribution transformers. Combined site energy savings at Efficiency Level 1 for all equipment classes are estimated to be 0.3 quads. Therefore, DOE has determined the potential available energy savings for distribution transformers are more than the 0.3 quads of site energy threshold established by the Process Rule and thus are considered significant under EPCA (42 U.S.C. 6316(a); 42 U.S.C. 6295(o)(3)(B)).

Chapter 10 of the preliminary TSD addresses the NIA.

IV. Public Participation

DOE invites public participation in this process through participation in the webinar and submission of written comments and information. After the webinar and the closing of the comment period, DOE will consider all timely-submitted comments and additional information obtained from interested parties, as well as information obtained through further analyses. Following such consideration, the Department will publish either a determination that the standards for distribution transformers need not be amended or a NOPR proposing to amend those standards. The NOPR, should one be issued, would include proposed energy conservation standards for the products covered by that rulemaking, and members of the public would be given an opportunity to submit written and oral comments on the proposed standards.

A. Participation in the Webinar

The time and date of the webinar meeting are listed in the **DATES** section at the beginning of this document. Webinar registration information, participant instructions, and information about the capabilities available to webinar participants will be published on DOE's website: *www1.eere.energy.gov/buildings/appliance_standards/standards.aspx?productid=55*. Participants are responsible for ensuring their systems are compatible with the webinar software.

B. Procedure for Submitting Prepared General Statements for Distribution

Any person who has an interest in the topics addressed in this notice, or who is representative of a group or class of persons that has an interest in these issues, may request an opportunity to make an oral presentation at the webinar. Such persons may submit such

[6] Because the projected price of standards-compliant products is typically higher than the price of baseline products, using the same markup for the incremental cost and the baseline cost would result in higher per-unit operating profit. While such an outcome is possible, DOE maintains that in markets that are reasonably competitive it is unlikely that standards would lead to a sustainable increase in profitability in the long run.

[7] The NIA accounts for impacts in the 50 states and U.S. territories.

request to *ApplianceStandardsQuestions@ee.doe.gov*. Persons who wish to speak should include with their request a computer file in WordPerfect, Microsoft Word, PDF, or text (ASCII) file format that briefly describes the nature of their interest in this rulemaking and the topics they wish to discuss. Such persons should also provide a daytime telephone number where they can be reached.

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

C. Conduct of the Webinar

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

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

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

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

D. Submission of Comments

DOE invites all interested parties, regardless of whether they participate in the public meeting, to submit in writing by November 10, 2021, comments and information on matters addressed in this notification and on other matters relevant to DOE's consideration of amended energy conservations standards for distribution transformers. Interested parties may submit comments, data, and other information using any of the methods described in the **ADDRESSES** section at the beginning of this document.

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

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

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

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

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

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

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

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

reduces comment processing and posting time.

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

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

V. Approval of the Office of the Secretary

The Secretary of Energy has approved publication of this notification of a webinar and availability of preliminary technical support document.

Signing Authority

This document of the Department of Energy was signed on August 20, 2021, by Kelly Speakes-Backman, Principal Deputy Assistant Secretary and Acting Assistant Secretary for Energy Efficiency and Renewable Energy, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on August 20, 2021.

Treena V. Garrett,

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

[FR Doc. 2021–18351 Filed 8–26–21; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0716; Project Identifier 2019–CE–023–AD]

RIN 2120–AA64

Airworthiness Directives; Stemme AG Gliders

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for all Stemme AG Model Stemme S 12 gliders. This proposed AD was prompted by mandatory continuing airworthiness information (MCAI) issued by the aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as an airspeed indicator (ASI) with speed markings inconsistent with the approved and published values. This proposed AD would require inspecting the ASI markings and, depending on findings, either replacing the ASI or amending the existing aircraft flight manual (AFM) until the ASI is replaced. 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 12, 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 STEMME AG, Flugplatzstrasse F2, Nr. 6–7, D–15344 Strausberg, Germany; phone: +49 (0) 3341 3612–0, fax: +49 (0) 3341 3612–30; email: *airworthiness@stemme.de;* website: *https://www.stemme.com.* You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 901 Locust, Kansas City, MO 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0716; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the MCAI, any comments received, and other information. The street address for Docket Operations is listed above.

FOR FURTHER INFORMATION CONTACT: Jim Rutherford, Aviation Safety Engineer, General Aviation & Rotorcraft Section, International Validation Branch, FAA, 901 Locust, Room 301, Kansas City, MO 64106; phone: (816) 329–4165; fax: (816) 329–4090; email: *jim.rutherford@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–2021–0716; Project Identifier 2019–CE–023–AD'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted

comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Jim Rutherford, Aviation Safety Engineer, General Aviation & Rotorcraft Section, International Validation Branch, FAA, 901 Locust, Room 301, Kansas City, MO 64106. 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 European Union Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2019–0082, dated April 12, 2019 (referred to after this as ''the MCAI''), to address an unsafe condition on Stemme AG Model Stemme S 12 gliders. The MCAI states:

> During a production inspection of a new powered sailplane, an ASI was found with speed markings inconsistent with the approved and published values (begin[ning] of the white and green arc). Subsequent investigation of the production records for delivered Stemme S 12 powered sailplanes does not exclude that a similar, non-conforming ASI was installed during production.
>
> This condition, if not corrected, could lead to erroneous information being provided to the pilot, particularly at the lower speed operation limits, possibly resulting in reduced control of the powered sailplane.
>
> To address this unsafe condition, Stemme AG issued the SB [service bulletin] to provide inspections instructions.
>
> For the reason described above, this [EASA] AD requires a one-time inspection of the markings of the affected part and, depending on findings, amending the Aircraft Flight Manual (AFM) and replacing the affected part. This [EASA] AD also prohibits installation of affected parts.

You may examine the MCAI in the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0716.

Related Service Information Under 1 CFR Part 51

The FAA reviewed Stemme Service Bulletin No. P062–980027, Revision 00, dated December 17, 2018. The service information specifies checking the ASI markings and provides illustrations of correct markings. The service information specifies the procedure to replace an affected ASI with an ASI with correct markings. The service information also includes a temporary page to insert into the AFM until the ASI is replaced. 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**.

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 this State of Design Authority, it has notified the FAA of the unsafe condition described in the MCAI and service information referenced above. The FAA is issuing this NPRM after determining 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 a one-time inspection of the ASI markings and, depending on findings, either replacing the ASI before further flight or amending the existing AFM until the ASI is replaced within 3 months.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 20 gliders of U.S. registry. The FAA estimates that it would take about 0.5 work-hour per glider to comply with the inspection requirements of this AD. The average labor rate is $85 per work-hour.

Based on these figures, the FAA estimates the cost of this AD on U.S. operators to be $850 or $42.50 per glider.

The FAA estimates that amending the AFM to insert and then remove the temporary page as a result of the inspection would take about 1 work-hour per glider for a total cost of $85 per glider. The FAA estimates that replacing the ASI would take about 3.5 work-hours and require parts costing $603, for a total cost of $900.50 per glider. The FAA has no way of determining the number of gliders that may need these actions.

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

Authority for This Rulemaking

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

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

Regulatory Findings

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:

Stemme AG: Docket No. FAA–2021–0716; Project Identifier 2019–CE–023–AD.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by October 12, 2021.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Stemme AG Model Stemme S 12 gliders, all serial numbers, certificated in any category.

(d) Subject

Joint Aircraft System Component (JASC) Code 3414, Airspeed/Mach Indicator.

(e) Unsafe Condition

This AD was prompted by mandatory continuing airworthiness information (MCAI) issued by the aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as an airspeed indicator (ASI) with speed markings inconsistent with the approved and published values (beginning of the white and green arc). The FAA is issuing this AD to prevent erroneous information being provided to the pilot, particularly at the lower speed operation limits. The unsafe condition, if not addressed, could result in reduced control of the glider.

(f) Compliance

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

(g) Required Actions

(1) Within 30 days after the effective date of this AD, inspect ASI part number (P/N) IF–W230 or IF–W190 for incorrect markings in accordance with the table in the Appendix, ''2.3. Airspeed Indicator Markings,'' of Stemme Service Bulletin No. P062–980027, Revision 00, dated December 17, 2018 (the SB). If an ASI marking is incorrect, before further flight, perform one of the following:

(i) Replace the ASI by following the Actions, Action 2, of the SB; or

(ii) Amend the existing aircraft flight manual (AFM) for your glider by inserting the Appendix, temporary page 2–3 SB, ''2.3. Airspeed Indicator Markings,'' of the SB. Within 3 months after amending the AFM, replace the ASI by following the Actions, Action 2, of the SB and remove temporary page 2–3 SB, ''2.3. Airspeed Indicator Markings,'' from the AFM.

(2) As of the effective date of this AD, do not install ASI P/N IF–W230 or IF–W190 on any glider unless it has passed the inspection required by this AD.

(h) Alternative Methods of Compliance (AMOCs)

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

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

(i) Related Information

(1) For more information about this AD, contact Jim Rutherford, Aviation Safety Engineer, General Aviation & Rotorcraft Section, International Validation Branch, FAA, 901 Locust, Room 301, Kansas City, MO 64106; phone: (816) 329–4165; fax: (816) 329–4090; email: *jim.rutherford@faa.gov.*

(2) Refer to European Union Aviation Safety Agency (EASA) AD 2019–0082, dated April 12, 2019, for more information. You may examine the EASA AD in the AD docket at *https://www.regulations.gov* by searching for and locating it in Docket No. FAA–2021–0716.

(3) For service information identified in this AD, contact STEMME AG, Flugplatzstrasse F2, Nr. 6–7, D–15344 Strausberg, Germany; phone: +49 (0) 3341 3612–0, fax: +49 (0) 3341 3612–30; email: *airworthiness@stemme.de;* website: *https://www.stemme.com.* You may view this referenced service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 901 Locust, Kansas City, MO 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

Issued on August 20, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–18387 Filed 8–26–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0714; Project Identifier 2019–CE–016–AD]

RIN 2120–AA64

Airworthiness Directives; ASI Aviation (Type Certificate Previously Held by Reims Aviation S.A.) Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for all ASI Aviation (type certificate previously held by Reims Aviation S.A.) Model F406 airplanes. This proposed AD was prompted by mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as failure of a circuit breaker (CB) switch. This proposed AD would require replacing certain CB switches and establishing a life limit for the CB switches. 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 12, 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 ASI Aviation, Aérodrome de Reims Prunay, 51360 Prunay, France; telephone: +33 3 26 48 46 84; fax: +33 3 26 49 18 57; email: *contact@asi-aviation.fr;* website: *https://asi-aviation.fr/page-Accueil.html.* You may view this service information at the Airworthiness Products Section, Operational Safety Branch, 901 Locust, Kansas City, MO 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0714; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the MCAI, any comments received, and other information. The street address for Docket Operations is listed above.

FOR FURTHER INFORMATION CONTACT: Gregory Johnson, Aviation Safety Engineer, AIR–732 International Validation Section FAA, 901 Locust, Room 301, Kansas City, MO 64106–2641; phone: (720) 626–5462; email: *gregory.johnson@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–2021–0714; Project Identifier 2019–CE–016–AD'' at the beginning of your comments. The most helpful comments reference a specific portion of

the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend 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 Gregory Johnson, Aviation Safety Engineer, AIR–732 International Validation Section FAA, 901 Locust, Room 301, Kansas City, MO 64106–2641. 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 European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2019–0015, dated January 29, 2019 (referred to after this as ''the MCAI''), to address an unsafe condition on ASI Aviation (type certificate previously held by Reims Aviation S.A.) Model F406 airplanes. The MCAI states:

> After the Federal Aviation Administration issued AD 2005–20–25, applicable to Cessna 400 series aeroplanes equipped with certain avionics bus CB switches, it was determined that, due to design commonality, one of the affected avionics bus CB switches, P/N [part number] CM3589–50, was also installed on Reims F 406 aeroplanes.
>
> This condition, if not corrected, could lead to smoke and/or burning smell in the cockpit, possibly resulting in reduced control of the aeroplane.
>
> To address that potential unsafe condition, RAI issued SB [service bulletin] F406–62 to provide instructions to remove certain switches from service. Consequently, EASA issued AD 2006–0134 to require identification of the date code of P/N CM3589–50 CB switches and, depending on findings, replacement with improved design CB switches, P/N 4061–2400–1. That [EASA] AD also imposed a life limit on the affected CB switches P/N CM3589–50.
>
> Since that [EASA] AD was issued, in-service occurrences of smoke and burning smell in the cockpit have been reported on F 406 aeroplanes. Technical investigations revealed that these were due to failure of CB switches P/N CM3589–20, which are used to control the propeller de-icing circuit. Prompted by these events, ASI Aviation issued the applicable SB (as defined in this [EASA] AD) to provide instructions to replace the affected parts with serviceable parts.
>
> For the reasons described above, this [EASA] AD retains the requirements of EASA AD 2006–0134, which is superseded, expands the range of affected parts, and requires replacement of P/N CM3589–20 CB switches with improved design CB switches P/N 406E2450–00000–100. This [EASA] AD also replaces the previous life limit, 1 000 flight hours (FH) for certain P/N CM3589–50 CB switches, with a 6 year calendar time life limit, and also imposes that limit on the improved design CB switches.

You may examine the MCAI in the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0714.

Related Service Information Under 1 CFR Part 51

The FAA reviewed ASI Aviation Service Bulletin No. F406–62, Revision 01, dated December 14, 2018, which specifies inspecting the CB switches to determine the date code, replacing CB switches with certain date codes, and establishing a life limit of 6 years for the new CB switches. The FAA also reviewed ASI Aviation Service Bulletin No. F406–90, dated December 14, 2018, which specifies replacing the CB switches and establishing a life limit of 6 years for the new CB switches. 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 this State of Design Authority, it has notified the FAA of the unsafe condition described in the MCAI and service information referenced above. The FAA is issuing this NPRM after determining the unsafe condition described previously 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 the service information already described, except as discussed under ''Differences Between this Proposed AD and the MCAI.''

Differences Between This Proposed AD and the MCAI

The MCAI allows installation of an affected CB switch until the airplane is modified. This proposed AD would prohibit installation of an affected CB switch as of the effective date of this AD.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 4 airplanes of U.S. registry.

The FAA also estimates that it would take about 5 work-hours per airplane to comply with the inspection required by this proposed AD. The average labor rate is $85 per work-hour.

Based on these figures, the FAA estimates the inspection cost of this proposed AD on U.S. operators to be $1,700 or $425 per airplane.

In addition, the FAA estimates that each replacement required by this proposed AD would take about 1 work-hour and require parts costing $350. Based on these figures, the FAA estimates the replacement cost of this proposed AD on U.S. operators to be $435 per airplane.

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:

ASI Aviation (Type Certificate Previously Held by Reims Aviation S.A.): Docket No. FAA–2021–0714; Project Identifier 2019–CE–016–AD.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by October 12, 2021.

(b) Affected ADs

None.

(c) Applicability

This AD applies to ASI Aviation (type certificate previously held by Reims Aviation S.A.) Model F406 airplanes, all serial numbers, certificated in any category.

(d) Subject

Joint Aircraft System Component (JASC) Code 2400, Electrical Power System.

(e) Unsafe Condition

This AD was prompted by mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as failure of a circuit breaker (CB) switch. The FAA is issuing this AD to prevent smoke and burning smell in the cockpit caused by failure of CB switches. The unsafe condition, if not addressed, could result in reduced controllability of the airplane.

(f) Compliance

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

(g) Inspection and Corrective Actions

Within 200 hours time-in-service (TIS) or within 12 months, whichever occurs first after the effective date of this AD, prepare the airplane and gain access in accordance with steps 1 through 7 of the Accomplishment Instructions in ASI Aviation Service Bulletin No. F406–62, Revision 01, dated December 14, 2018 (SB F406–62R1), and inspect each avionics bus CB switch part number (P/N) CM3589–50 to identify the date code.

(1) If a CB switch does not have a date code, before further flight, remove the CB switch from service and install CB switch P/N 4061–2400–1 in accordance with steps 9 through 14 of the Accomplishment Instructions in SB F406–62R1.

(2) If a CB switch has a date code earlier than 0434, before the CB switch exceeds 1,000 hours TIS since first installation on an airplane, remove the CB switch from service and install CB switch P/N 4061–2400–1 in accordance with steps 9 through 14 of the Accomplishment Instructions in SB F406–62R1.

(3) If a CB switch has a date code 0434 or later, before the CB switch exceeds 6 years since first installation on an airplane or within 12 months after the effective date of this AD, whichever occurs later, remove the CB switch from service and install CB switch P/N 4061–2400–1 in accordance with steps 9 through 14 of the Accomplishment Instructions in SB F406–62R1.

(h) Replacements

Within 200 hours TIS or within 12 months, whichever occurs first after the effective date of this AD, remove each CB switch P/N CM3589–20 from service, re-identify the CB panel, and install CB switches with P/N 406E2450–00000–100 in accordance with Part 1, steps 1 through 13, of the Accomplishment Instructions in ASI Aviation Service Bulletin No. F406–90, dated December 14, 2018 (SB F406–90).

(i) Life Limit

Before exceeding 6 years since first installation on an airplane and thereafter at intervals not to exceed 6 years, remove each CB switch P/N 4061–2400–1 and P/N 406E2450–00000–100 from service and replace it in accordance with steps 9 through 14 of the Accomplishment Instructions in SB F406–62R1 or Part 1, steps 1 through 13, of the Accomplishment Instructions in SB F406–90, as applicable.

(j) Parts Installation Prohibition

As of the effective date of this AD, do not install a CB switch P/N CM3589–50 or P/N CM3589–20 on any airplane.

(k) Credit for Previous Actions

You may take credit for the actions required by paragraph (g) of this AD if you performed those actions before the effective date of this AD using Reims Aviation Industries Service Bulletin No. F406–62, dated March 8, 2006.

(l) Alternative Methods of Compliance (AMOCs)

(1) The Manager, General Aviation & Rotorcraft Section (AIR–732), International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the certification office, send it to the attention of the person identified in Related Information or email *9-AVS-AIR-730-AMOC@faa.gov.*

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

(m) Related Information

(1) For more information about this AD, contact Gregory Johnson, Aviation Safety Engineer, AIR–732 International Validation Section FAA, 901 Locust, Room 301, Kansas City, MO 64106–2641; phone: (720) 626–5462; email: *gregory.johnson@faa.gov.*

(2) Refer to European Aviation Safety Agency (EASA) AD 2019–0015, dated January 29, 2019, for more information. You may examine the EASA AD in the AD docket at *https://www.regulations.gov* by searching for and locating it in Docket No. FAA–2021–0714.

(3) For service information identified in this AD, contact ASI Aviation, Aérodrome de Reims Prunay, 51360 Prunay, France; telephone: +33 3 26 48 46 84; fax: +33 3 26 49 18 57; email: *contact@asi-aviation.fr;* website: *https://asi-aviation.fr/page-Accueil.html.* You may view this referenced service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 901 Locust, Kansas City, MO 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

Issued on August 20, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–18386 Filed 8–26–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0715; Project Identifier AD–2021–00259–A]

RIN 2120–AA64

Airworthiness Directives; Various 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 various airplanes modified with certain configurations of Garmin G3X Touch Electronic Flight Instrument System installed per Supplemental Type Certificate (STC) No. SA01899WI or Garmin GI 275 Multi-Function Display System (MFDS) installed per STC No. SA02658SE. This proposed AD was prompted by a report of a fuel quantity disparity between the amount of fuel indicated and the actual amount of fuel. This proposed AD would require modifying the resistive fuel probe interface. 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 12, 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 Garmin International, Garmin Aviation Support, 1200 E 151st Street, Olathe, KS 66062; phone: (866) 739–5687; email: *avionics@garmin.com;* website: *https://fly.garmin.com/fly-garmin/support/.* You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 901 Locust, Kansas City, MO 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0715; 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: Kevin Marks, Aviation Safety Engineer, Wichita ACO Branch, FAA, 1801 Airport Road, Wichita, KS 67209; phone: (316) 946–4153; fax: (316) 946–4107; email: *kevin.marks@faa.gov* or *Wichita-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–2021–0715; Project Identifier AD–2021–00259–A'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this 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 Kevin Marks, Aviation Safety Engineer, Wichita ACO Branch, FAA, 1801 Airport Road, Wichita, KS 67209. 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 was notified of a Piper production line issue with the installation of a Garmin G3X Touch Electronic Flight Instrument System installed under STC No. SA01899WI. After calibration and fueling the airplane to a known level, the flight crew noted that the fuel quantity indicator displayed a higher level of fuel.

The Garmin G3X Touch Electronic Flight Instrument System, when interfaced with the Garmin GEA 24 (Engine Airframe Adapter) for display of the fuel quantity, uses a 1K ohm resistor inline between the GEA 24 and the airplane fuel quantity resistance style sending unit (float). This resistor provides lightning protection to the fuel tank as required by 14 CFR 23.954.

Use of the 1K resistor causes a GEA error with changing resistor temperature. The farther the actual (ambient) temperature of the resistor is from the temperature of the fuel quantity calibration, the larger the error. The lower the operating resistance of the fuel sending unit, the larger the error. The largest errors occur in installations with fuel sending units having an operational range less than 100 ohms. The Garmin GI 275 MFDS installed under STC No. SA02658SE, when interfaced with the Garmin GEA 24 for display of the fuel quantity, is also subject to this unsafe condition.

The displayed fuel quantity can have an error as much as four gallons/fuel tank with the display indicating four gallons with an empty tank. This condition, if not addressed, could result in fuel starvation and engine shutdown with consequent loss of airplane control.

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 Garmin Mandatory STC Service Bulletin No. 2134, Revision A, and Garmin

Mandatory STC Service Bulletin No. 2135, Revision A, both dated April 23, 2021. This service information specifies procedures for modifying the GEA 24 resistive fuel probe interface. These documents are distinct since they apply to different STCs. 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**.

Other Related Service Information

The FAA also reviewed Master Drawing List (MDL) Document No. 005–01320–00, Revision 10, for STC No. SA01899WI, and MDL Drawing No. 005–01208–41, Revision 10, for STC No. SA02658SE, both dated April 23, 2021. This service information contains the type design data for installation of the STC. Revision 10 introduces a new fuel quantity interface and configuration to eliminate the unsafe condition described previously.

Proposed AD Requirements in This NPRM

This proposed AD would require modifying the resistive fuel probe interface. The proposed AD would apply to airplanes on the approved model list for STC No. SA01899WI, installed in accordance with MDL Document No. 005–01320–00, Revision 9 or earlier, and STC No. SA02658SE, installed in accordance with MDL Drawing No. 005–01208–41, Revision 9 or earlier, if the installation is interfaced with a Garmin Engine Adapter GEA 24 connected to resistive fuel probes.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 920 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
Modify fuel probe interface and recalibrate the fuel system.	8 work-hours × $85 per hour = $680	$10	$690	$634,800

The FAA has included all known costs in its cost estimate. According to the manufacturer, however, some 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:

Various Airplanes: Docket No. FAA–2021–0715; Project Identifier AD–2021–00259–A.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by October 12, 2021.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all serial numbers of the airplane models listed in table 1 to paragraph (c), certificated in any category, that are either:

(1) Modified with a Garmin G3X Touch Electronic Flight Instrument System under Supplemental Type Certificate (STC) No. SA01899WI, installed in accordance with Master Drawing List (MDL) Document No. 005–01320–00, Revision 9 or earlier, interfaced with a Garmin Engine Adapter GEA 24 connected to resistive fuel probes; or

(2) Modified with a Garmin GI 275 Multi-Function Display System under STC No. SA02658SE, installed in accordance with MDL Revision 9 or earlier, interfaced with a Garmin Engine Adapter GEA 24 connected to resistive fuel probes.

Note 1 to paragraph (c): Garmin Mandatory STC Service Bulletin No. 2134, Revision A, and Garmin Mandatory STC Service Bulletin No. 2135, Revision A, both dated April 23, 2021, contain information for how to determine if your airplane has a resistive probe interface.

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Table 1 to Paragraph (c)—*Affected Airplanes*

Type Certificate Holder	Airplane Model
Aermacchi S.p.A.	F.260, F.260B, F.260C, F.260D, F.260E, F.260F, S.205-18/F, S.205-18/R, S.205-20/F, S.205-20/R, S.205-22/R, S.208, and S.208A
Aeronautica Macchi S.p.A./Aerfer-Industrie Aerospaziali Meridionali S.p.A.	AM-3
Aerostar Aircraft Corporation	PA-60-600 (Aerostar 600), PA-60-601 (Aerostar 601), PA-60-601P (Aerostar 601P), and PA-60-602P (Aerostar 602P)
Air Tractor, Inc.	AT-401
Alexandria Aircraft, LLC	14-19, 14-19-2, 14-19-3, 14-19-3A, 17-30, 17-30A, 17-31, 17-31A, 17-31ATC, and 17-31TC
Alpha Aviation Concept Limited	R2160
American Champion Aircraft Corp.	402, 7EC, 7ECA, 7FC, 7GC, 7GCA, 7GCAA, 7GCB, 7GCBA, 7GCBC, 7KCAB, 8GCBC, and 8KCAB
Aviat Aircraft Inc.	A-1, A-1A, A-1B, A-1C-180, A-1C-200, S-1S, S-1T, S-2, S-2A, S-2B, S-2C, and S-2S
Bellanca Aircraft Corporation	14-13, 14-13-2, 14-13-3, and 14-13-3W
B-N Group Ltd.	BN-2 and BN-2A

The Boeing Company	AT-6 (Navy SNJ-2), AT-6A (Navy SNJ-3), AT-6B, AT-6C (Navy SNJ-4), AT-6D (Navy SNJ-5), AT-6F (Navy SNJ-6), BC-1A, Navy SNJ-7, and T-6G
CEAPR (type certificate previously held by APEX Aircraft)	R3000/160
Cessna Aircraft Company	T-50 (Army AT-17 and UC-78 series, Navy JRC-1)
Cirrus Design Corporation	SR20, SR22, and SR22T
Commander Aircraft Corporation	112, 112B, 112TC, 112TCA, 114, 114A, 114B, and 114TC
Costruzioni Aeronautiche Tecnam S.P.A.	P2006T
Cougar Aircraft Corporation	GA-7
Cub Crafters, Inc.	CC19-180
Daher Aircraft Design, LLC (type certificate previously held by Quest Aircraft Design, LLC)	Kodiak 100
De Havilland Support Limited	B.121 Series 1, B.121 Series 2, and B.121 Series 3
Diamond Aircraft Industries Inc.	DA20-A1, DA20-C1, DA 40, DA 40 F, and DA 40 NG
Discovery Aviation, Inc.	XL-2
Dynac Aerospace Corporation	Aero Commander Model 100, Aero Commander Model 100-180, Aero Commander Model 100A, Volaire Model 10, and Volaire Model 10A
EADS-PZL Warszawa-Okęcie S.A.	PZL-104 Wilga 80, PZL-104M Wilga 2000, PZL-104MA Wilga 2000, PZL-KOLIBER 150A, and PZL-KOLIBER 160A
Extra Flugzeugproduktions- und Vertriebs-GmbH	EA-300, EA-300/200, EA-300/L, EA 300/LC, and EA-300/S
FLS Aerospace (Lovaux) Ltd.	OA7 Optica Series 300
Found Brothers Aviation Limited	FBA Centennial 100
Frakes Aviation	G-44 (Army OA-14, Navy J4F-2) (including SCAN Type 30) and G-44A
FS 2003 Corporation	PA-12 and PA-12S
Fuji Heavy Industries, Ltd.	FA-200-160, FA-200-180, and FA-200-180AO
GA8 Airvan (Pty) Ltd.	GA8 and GA8-TC 320

Gomolzig Flugzeug- und Maschinenbau GmbH	AS 202/15 BRAVO, AS 202/18A BRAVO, and AS 202/18A4 BRAVO
GROB Aircraft SE	G 115, G 115A, G 115B, G 115C, G 115C2, G 115D, and G 115D2
Helio Aircraft Corporation	15A and 20
Helio Alaska, Inc.	H-250, H-295 (USAF U10D), H-391 (USAF YL-24), H-391B, H-395 (USAF L-28A or U-10B), H-395A, H-700, H-800, and HT-295
Howard Aircraft Foundation	DGA-15J (Army UC-70B), DGA-15P (Army UC-70, Navy GH-1, GH-2, GH-3, NH-1), and DGA-15W
Interceptor Aircraft Inc.	200, 200A, 200B, 200C, 200D, and 400
The King's Engineering Fellowship	44 Angel, 4500-300, and 4500-300 Series II
Legend Aviation & Marine, LLC	UC-1
Luscombe Aircraft Corporation	8, 8A, 8B, 8C, 8D, 8E, 8F, and T-8F
Maule Aerospace Technology, Inc.	Bee Dee M-4, M-4, M-4-180C, M-4-180S, M-4-180T, M-4-180V, M-4-210, M-4-210C, M-4-210S, M-4-210T, M-4-220, M-4-220C, M-4-220S, M-4-220T, M-4C, M-4S, M-4T, M-5-180C, M-5-200, M-5-210C, M-5-210TC, M-5-220C, M-5-235C, M-6-180, M-6-235, M-7-235, M-7-235A, M-7-235B, M-7-235C, M-7-260, M-7-260C, M-7-420A, M-7-420AC, M-8-235, M-9-235, MT-7-235, MT-7-260, MT-7-420, MX-7-160, MX-7-160C, MX-7-180, MX-7-180A, MX-7-180AC, MX-7-180B, MX-7-180C, MX-7-235, MX-7-420, MXT-7-160, MXT-7-180, and MXT-7-180A
Micco Aircraft Company, Inc.	MAC-125C, MAC-145, MAC-145A, and MAC-145B
Mooney Aircraft Corporation	M22
Mooney International Corporation	M20, M20A, M20B, M20C, M20D, M20E, M20F, M20G, M20J, M20K, M20L, M20M, M20R, M20S, and M20TN
Nardi S.A.	FN-333
Pacific Aerospace Ltd.	FBA-2C, FBA-2C1, FBA-2C2, and FBA-2C3
Piaggio & C.	P.136-L and P.136-L1
Pilatus Aircraft Limited	PC-6, PC-6/350, PC-6/350-H1, PC-6/350-H2, PC-6-H1, and PC-6-H2

Piper Aircraft, Inc.	PA-16, PA-16S, PA-18, PA-18-105 (Special), PA-18-125 (Army L-21A), PA-18-135, PA-18-150, PA-18A, PA-18A-135, PA-18A-150, PA-18AS-125, PA-18AS-135, PA-18AS-150, PA-18S, PA-18S-105 (Special), PA-18S-125, PA-18S-135, PA-18S-150, PA-19 (Army L-18C), PA-19S, PA-20, PA-20-115, PA-20-135, PA-20S, PA-20S-115, PA-20S-135, PA-22, PA-22-108, PA-22-135, PA-22-150, PA-22-160, PA-22S-135, PA-22S-150, PA-22S-160, PA-23, PA-23-160, PA-23-235, PA-23-250, PA-23-250 (Navy UO-1), PA-24, PA-24-250, PA-24-260, PA-24-400, PA-28-140, PA-28-150, PA-28-151, PA-28-160, PA-28-161, PA-28-180, PA-28-181, PA-28-201T, PA-28-235, PA-28-236, PA-28R-180, PA-28R-200, PA-28R-201, PA-28R-201T, PA-28RT-201, PA-28RT-201T, PA-28S-160, PA-28S-180, PA-30, PA-31-300, PA-32-260, PA-32-300, PA-32-301, PA-32-301FT, PA-32-301T, PA-32-301XTC, PA-32R-300, PA-32R-301 (HP), PA-32R-301 (SP), PA-32R-301T, PA-32RT-300, PA-32RT-300T, PA-32S-300, PA-34-200, PA-34-200T, PA-34-220T, PA-38-112, PA-39, PA-40, PA-44-180, PA-44-180T, PA-46-310P, PA-46-350P, PA-46R-350T, and PA-E23-250
Polskie Zaklady Lotnicze Spolka zo.o	PZL M26 01
Revo, Incorporated	Colonial Model C-1, Colonial Model C-2, Lake Model 250, Lake Model LA-4, and Lake Model LA-4-200
Robert E. Rust, Jr.	DHC-1 Chipmunk Mk 21, DHC-1 Chipmunk Mk 22, and DHC-1 Chipmunk Mk 22A
RUAG Aerospace Services GmbH	Do 27 Q-6, Do 28 A-1, and Do 28 B-1
Sierra Hotel Aero, Inc.	Navion (Army L-17A), Navion A (Army L-17B and L-17C), Navion B, Navion D, Navion E, Navion F, Navion G, and Navion H
Sky Enterprises, Inc.	RC-3
Slingsby Aviation Ltd.	T67M260
SOCATA (type certificate currently held by Daher)	MS 880B, MS 885, MS 892A-150, MS 892E-150, MS 893A, MS 893E, MS 894A, MS 894E, Rallye 100S, Rallye 150 ST,

	Rallye 150 T, Rallye 235C, Rallye 235 E, TB9, TB 10, TB 20, TB 21, and TB 200
Spartan Aircraft Company	7W (Army UC-71)
Swift Museum Foundation, Inc.	GC-1A and GC-1B
Symphony Aircraft Industries Inc.	OMF-100-160 and SA 160
Textron Aviation Inc.	19A, 23, 35, 36, 50, 58, 76, 77, 95, 120, 140, 140A, 150, 150A, 150B, 150C, 150D, 150E, 150F, 150G, 150H, 150J, 150K, 150L, 150M, 152, 170, 170A, 170B, 172, 172A, 172B, 172C, 172D, 172E, 172F (USAF T-41A), 172G, 172H (USAF T-41A), 172I, 172K, 172L, 172M, 172N, 172P, 172Q, 172R, 172RG, 172S, 175, 175A, 175B, 175C, 177, 177A, 177B, 177RG, 180, 180A, 180B, 180C, 180D, 180E, 180F, 180G, 180H, 180J, 180K, 182, 182A, 182B, 182C, 182D, 182E, 182F, 182G, 182H, 182J, 182K, 182L, 182M, 182N, 182P, 182Q, 182R, 182S, 182T, 185, 185A, 185B, 185C, 185D, 185E, 190, 195, 195A, 195B, 206, 206H, 207, 207A, 210, 210-5 (205), 210-5A (205A), 210A, 210B, 210C, 210D, 210E, 210F, 210G, 210H, 210J, 210K, 210L, 210M, 210N, 210R, 310, 310A, 310B, 310C, 310D, 310E, 310F, 310G, 310H, 310I, 310J, 310J-1, 310K, 310L, 310N, 310P, 310Q, 310R, 320, 320-1, 320A, 320B, 320C, 320D, 320E, 320F, 335, 336, 337, 337A, 337B, 337C, 337D, 337E, 337F, 337G, 337H, 340, 340A, 35-33, 35-A33, 35-B33, 35-C33, 35-C33A, 35R, 45 (Military YT-34), 56TC, 58A, 58PA, 58TCA, 95-55, 95-A55, 95-B55, 95-B55A, 95-B55B, 95-C55, 95-C55A, A150K, A150L, A150M, A152, A185E, A185F, A23, A23-19, A23-24, A23A, A24, A24R, A35, A36, A36TC, A45 (Military T-34A, B-45), A56TC, B19, B23, B24R, B35, B36TC, B50, B95, B95A, C23, C24R, C35, C50, D17S, D35, D45 (Military T-34B), D50E-5990, D55, D55A, D95A, E310H, E310J, E33, E33A, E33C, E35, E55, E55A, E95, F150F, F150G, F150H, F150J, F150K, F150L, F150M, F152, F172D, F172E, F172F, F172G, F172H, F172K, F172L, F172M, F172N, F172P, F177RG, F182P, F182Q, F33, F33A, F33C, F337E, F337F, F337G, F337H, F35, FA150K, FA150L, FA150M, FA152, FP172D,

	FR172E, FR172F, FR172G, FR172H, FR172J, FR172K, FR182, FRA150L, FRA150M, FT337E, FT337F, FT337GP, FT337HP, G17S, G33, G35, G36, G58, H35, J35, K35, LC40-550FG, LC41-550FG, LC42-550FG, M19A, M337B, M35, N35, P172D, P206, P206A, P206B, P206C, P206D, P206E, P210N, P210R, P337H, P35, R172E, R172F, R172G, R172H, R172J, R172K, R182, S35, SD17S, T182, T182T, T206H, T207, T207A, T210F, T210G, T210H, T210J, T210K, T210L, T210M, T210N, T210R, T240, T303, T310P, T310Q, T310R, T337B, T337C, T337D, T337E, T337F, T337G, T337H, T337H-SP, TP206A, TP206B, TP206C, TP206D, TP206E, TR182, TU206A, TU206B, TU206C, TU206D, TU206E, TU206F, TU206G, U206, U206A, U206B, U206C, U206D, U206E, U206F, U206G, V35, V35A, and V35B
Thrush Aircraft, LLC	600 S-2D, S2R, S2R-R1340, S2R-R1820, S2R-R3S, and S2R-T34
Topcub Aircraft, Inc.	CC18-180 and CC18-180A
True Flight Holdings LLC	AA-1, AA-1A, AA-1B, AA-1C, AA-5, AA-5A, AA-5B, and AG-5B
Twin Commander Aircraft LLC	500, 500-A, 520, 560, and 560-A
Univair Aircraft Corporation	108, 108-1, 108-2, 108-3, 108-5, 415-C, 415-CD, 415-D, A-2, A2-A, E, F-1, F-1A, G, and M10
Viking Air Limited	DHC-2 Mk.I, DHC-2 Mk.II, DHC-2 Mk.III, and TR-1
Vulcanair S.p.A.	P.68, P.68 “Observer,” P.68B, P.68C, P.68C-TC, P.68R, P.68 Observer 2, P.68TC Observer, and Vulcanair V1.0
Waco Aircraft Company	YMF
WACO Classic Aircraft Corporation	2T-1A, 2T-1A-1, and 2T-1A-2
WSK PZL Mielec and OBR SK Mielec	PZL M20 03
W.Z.D. Enterprises Inc	11A and 11E
Zenair Ltd.	CH2000
Zlin Aircraft a.s.	Z-143L, Z-242L, and Zlin 526L

BILLING CODE 4910–13–C

(d) Subject

Joint Aircraft System Component (JASC) Code 2841, Fuel Quantity Indicator.

(e) Unsafe Condition

This AD was prompted by reports of fuel quantity disparities between the amount of fuel indicated and the actual amount of fuel. The FAA is issuing this AD to ensure that the amount of fuel indicated is the amount of fuel available. The unsafe condition, if not addressed, could result in fuel starvation and engine shutdown with consequent loss of airplane control.

(f) Compliance

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

(g) Action

Within 100 hours time-in-service after the effective date of this AD or within 12 months after the effective date of this AD, whichever occurs first, modify the fuel probe interface by following the Modification Instructions in Garmin Mandatory STC Service Bulletin No. 2134, Revision A, or Garmin Mandatory STC Service Bulletin No. 2135, Revision A, both dated April 23, 2021, whichever is applicable.

(h) Alternative Methods of Compliance (AMOCs)

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

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

(i) Related Information

(1) For more information about this AD, contact Kevin Marks, Aviation Safety Engineer, Wichita ACO Branch, FAA, 1801 Airport Road, Wichita, KS 67209; phone: (316) 946–4153; fax: (316) 946–4107; email: *kevin.marks@faa.gov* or *Wichita-COS@faa.gov.*

(2) For service information identified in this AD, contact Garmin International, Garmin Aviation Support, 1200 E 151st Street, Olathe, KS 66062; phone: (866) 739–5687; email: *avionics@garmin.com;* website: *https://fly.garmin.com/fly-garmin/support/.* You may view this referenced service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 901 Locust, Kansas City, MO 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

Issued on August 20, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–18385 Filed 8–26–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0713; Project Identifier AD–2021–00180–R]

RIN 2120–AA64

Airworthiness Directives; Bell Textron Inc., Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for Bell Textron Inc., Model 412, 412EP, and 412CF helicopters. This proposed AD was prompted by evaluation results showing flight loads that impact the collective lever fatigue life. This proposed AD would require adding a permanent life penalty for certain collective levers and prohibit installing those collective levers unless the permanent life penalty has been added. 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 12, 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 Bell Textron, Inc., P.O. Box 482, Fort Worth, TX 76101; telephone 1–450–437–2862 or 1–800–363–8023; fax 1–450–433–0272; email *productsupport@bellflight.com;* or at *https://www.bellflight.com/support/contact-support.* You may view this service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0713; 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: Haytham Alaidy, Aerospace Engineer, Certification & Program Management Section, DSCO Branch, Compliance & Airworthiness Division, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone (817) 222–5224; email *haytham.alaidy@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–2021–0713; Project Identifier AD–2021–00180–R'' 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 Haytham Alaidy, Aerospace Engineer, Certification & Program Management Section, DSCO Branch, Compliance & Airworthiness Division, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone (817) 222–5224; email *haytham.alaidy@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 proposes to adopt a new AD for Bell Textron Inc., Model 412, 412EP, and 412CF helicopters. This proposed AD was prompted by the results of an evaluation of BLR Aerospace Strake and FastFin system part number (P/N) 412–705–040–101. During the evaluation, additional flight loads were recorded that impact the collective lever fatigue life. Accordingly, this proposed AD would require adding a permanent life penalty for affected collective levers and prohibit installing those collective levers unless the permanent life penalty has been added. This condition, if not addressed, could result in fatigue damage and cracking, failure of the collective lever, and subsequent loss of control of the helicopter.

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

The FAA reviewed Bell Helicopter Alert Service Bulletin 412–12–151, Revision A, dated July 8, 2014. This service information specifies procedures for adding a permanent flight hour penalty for collective levers installed or previously installed on helicopters with a Strake and FastFin system P/N 412–705–040–101.

Proposed AD Requirements in This NPRM

This proposed AD would require, depending on the configuration, adding a permanent life penalty of 5,000 hours time-in-service (TIS) or 50% of the total hours TIS accumulated by the collective lever on the component history card or equivalent record for the collective lever. This proposed AD would also prohibit installing an affected collective lever unless the permanent life penalty has been added on its component history card or equivalent record.

Differences Between This Proposed AD and the Service Information

The service information specifies adding the permanent life penalty at the next scheduled inspection, whereas this proposed AD would require that action within 50 hours TIS after the effective date of this AD instead. This proposed AD would require adding the permanent life penalty for helicopters without a Strake and FastFin system P/N 412–705–040–101 installed, but with a collective lever P/N 412–010–408–101 installed, whereas the service information does not specify this.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 96 helicopters of U.S. registry. Labor rates are estimated at $85 per work-hour. Based on these numbers, the FAA estimates the following costs to comply with this proposed AD.

Replacing a collective lever would take about 2 work-hours and parts would cost about $18,237, for an estimated cost of $18,407 per helicopter and up to $1,767,072 for the U.S. fleet.

Authority for This Rulemaking

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

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

Bell Textron Inc.: Docket No. FAA–2021–0713; Project Identifier AD–2021–00180–R.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by October 12, 2021.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Bell Textron Inc., Model 412, 412EP, and 412CF helicopters, certificated in any category.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by evaluation results showing flight loads that impact the collective lever fatigue life. The FAA is issuing this AD to prevent fatigue damage and cracking, which could result in failure of the collective lever and subsequent loss of control of the helicopter.

(f) Compliance

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

(g) Required Actions

(1) Within 50 hours time-in-service (TIS) after the effective date of this AD:

(i) For helicopters with a Strake and FastFin system part number (P/N) 412–705–040–101 installed since initial delivery from the manufacturer, add a permanent penalty

of 5,000 hours TIS to the total hours TIS indicated on the component history card or equivalent record for the collective lever P/N 412–010–408–101.

Note 1 to paragraph (g)(1)(i): Bell Helicopter service information identifies helicopters with serial numbers 36570, 36579, 36587, and 36593 through 36602 inclusive, as helicopters originally delivered with a Strake and FastFin system installed.

(ii) For helicopters with a Strake and FastFin system P/N 412–705–040–101 installed after delivery from the manufacturer, add a permanent penalty of 50% of the total hours TIS accumulated by the collective lever P/N 412–010–408–101 on the component history card or equivalent record for the collective lever P/N 412–010–408–101.

Note 2 to paragraph (g)(1)(ii): The Accomplishment Instructions, part II, paragraph 2., of Bell Helicopter Alert Service Bulletin 412–12–151, Revision A, dated July 8, 2014, provides an example of calculating and adding a permanent penalty of 50%.

(iii) For helicopters without a Strake and FastFin system P/N 412–705–040–101 installed, but with a collective lever P/N 412–010–408–101 installed, add a permanent penalty of 50% of the total hours TIS accumulated by the collective lever on the component history card or equivalent record for the collective lever.

(2) Before further flight, remove from service any collective lever P/N 412–010–408–101 that has reached or exceeded its life limit of 10,000 total hours TIS. Thereafter, remove from service each collective lever P/N 412–010–408–101 on or before reaching its life limit of 10,000 total hours TIS.

(3) As of the effective date of this AD, do not install a new (zero total hours TIS) collective lever P/N 412–010–408–101 unless a permanent penalty of 5,000 hours TIS has been added to the total hours TIS on its component history card or equivalent record.

(4) As of the effective date of this AD, do not install a used collective lever P/N 412–010–408–101 unless a permanent penalty of 50% of the total hours TIS accumulated by the collective lever has been added to the total hours TIS on its component history card or equivalent record.

(h) Special Flight Permits

Special flight permits are prohibited.

(i) Alternative Methods of Compliance (AMOCs)

(1) The Manager, DSCO Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the certification office, send it to the attention of the person identified in paragraph (j) of this AD. Information may be emailed to: *9-ASW-190-COS@faa.gov.*

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

(j) Related Information

For more information about this AD, contact Haytham Alaidy, Aerospace Engineer, Certification & Program Management Section, DSCO Branch, Compliance & Airworthiness Division, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone (817) 222–5224; email *haytham.alaidy@faa.gov.*

Issued on August 19, 2021.

Ross Landes,

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

[FR Doc. 2021–18383 Filed 8–26–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0661; Project Identifier AD–2020–01349–E]

RIN 2120–AA64

Airworthiness Directives; Pratt & Whitney Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to supersede Airworthiness Directive (AD) 2011–07–02, which applies to all Pratt & Whitney (P&W) JT8D–209, JT8D–217, JT8D–217A, JT8D–217C, and JT8D–219 model turbofan engines. AD 2011–07–02 requires initial and repetitive torque inspections of the 3rd-stage and 4th-stage low-pressure turbine (LPT) blades. AD 2011–07–02 also requires replacement of the LPT blade if wear limits are exceeded, replacement of the LPT-to-exhaust case bolts and nuts, and installation of crushable sleeve spacers on the bolts. Since the FAA issued AD 2011–07–02, the FAA received a report of an MD–82 airplane, equipped with a JT8D–217 engine, experiencing an engine surge that resulted in the fracture of an LPT blade. This proposed AD would retain certain requirements of AD 2011–07–02, while revising the inspection thresholds and replacement intervals for the 3rd-stage and 4th-stage LPT blades. 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 12, 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 Pratt & Whitney, 400 Main Street, East Hartford, CT 06118; phone: (800) 565–0140; email: *help24@prattwhitney.com*; website: *https://fleetcare.prattwhitney.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–2021–0661; 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: Nicholas Paine, Aviation Safety Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: (781) 238–7116; fax: (781) 238–7199; email: *nicholas.j.paine@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–2021–0661; Project Identifier AD–2020–01349–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 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 Nicholas Paine, 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 issued AD 2011–07–02, Amendment 39–16639 (76 FR 16526, March 24, 2011), (AD 2011–07–02), for all P&W JT8D–209, JT8D–217, JT8D–217A, JT8D–217C, and JT8D–219 model turbofan engines. AD 2011–07–02 was prompted by nine reports of failure of Tinidur material LPT-to-exhaust case bolts. AD 2011–07–02 requires initial and repetitive torque inspections of the 3rd-stage and 4th-stage LPT blades, replacement of the LPT blade if wear limits are exceeded, and replacement of the LPT-to-exhaust case bolts and nuts with longer bolts and nuts made of Tinidur material. AD 2011–07–02 also requires installation of crushable sleeve spacers on the bolts. The agency issued AD 2011–07–02 to prevent an LPT blade failure that could result in uncontained engine debris and damage to the airplane.

Actions Since AD 2011–07–02 Was Issued

Since the FAA issued AD 2011–07–02, the agency received a report of an MD–82 airplane, equipped with JT8D–217C model turbofan engines that, on approach to Taipei Songshan Airport, experienced an engine surge on the number one engine resulting in LPT blade fracture and uncontained LPT blade failure. An inspection by the manufacturer determined that this event was caused by shroud notch wear of the LPT blades, which led to changes in the vibration mode and subsequent high-cycle fatigue of the airfoil. In addition to this event, the FAA received reports of five events that involved uncontained failure of the LPT blades on the affected engines. Based on its investigation of these events, P&W determined that revised or more restrictive inspection thresholds and replacement intervals of the 3rd-stage and 4th-stage LPT blades are necessary and revised its service information accordingly.

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 Pratt & Whitney Alert Service Bulletin (ASB) No. JT8D A6224, Revision No. 7, dated August 26, 2019. This service information specifies procedures for the initial and repetitive torque inspections of the 3rd-stage and 4th-stage LPT blades for shroud notch wear at revised inspection thresholds and intervals. 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**.

Other Related Service Information

The FAA reviewed Pratt & Whitney ASB No. JT8D A6494, Revision No. 1, dated January 26, 2010, Pratt & Whitney ASB JT8D A6507, dated November 2, 2020, and Sections 72–53–12 through 72–53–13 of Pratt & Whitney Engine Maintenance Manual (EMM), Part No. 773128, Revision 107, dated October 15, 2020. Pratt & Whitney ASB No. JT8D A6494, Revision No. 1, dated January 26, 2010, describes procedures for replacing the LPT-to-exhaust case bolts and nuts and installing the crushable sleeve spacers. Pratt & Whitney ASB JT8D A6507, dated November 2, 2020, describes procedures for replacing the 3rd-stage and 4th-stage LPT blades. Sections 72–53–12 through 72–53–13 of Pratt & Whitney EMM, Part No. 773128, Revision 107, dated October 15, 2020, describe procedures for inspecting and repairing the 3rd-stage and 4th-stage LPT blades.

Proposed AD Requirements in This NPRM

This proposed AD would retain certain requirements of AD 2011–07–02. This proposed AD would require an initial torque inspection of certain 3rd-stage LPT blades and repetitive torque inspections of 4th-stage LPT blades for shroud notch wear at revised inspection thresholds and intervals. This proposed AD would also require replacement of the 3rd-stage and 4th-stage LPT blades before accumulating 5,000 hours time-in-service.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 42 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 3rd-stage and 4th-stage LPT blades	1 work-hour × $85 per hour = $85	$0	$85	$3,570
Replace 3rd-stage and 4th-stage LPT blades	150 work-hours × $85 per hour = $12,750.	350,000	362,750	15,235,500
Replace the LPT-to-exhaust case bolts and nuts and install the crushable sleeve spacers.	1.5 work-hours × $85 per hour = 127.50.	4,576	4,703.50	197,547

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 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 2011–07–02, Amendment 39–16639 (76 FR 16526, March 24, 2011); and

■ b. Adding the following new airworthiness directive:

Pratt & Whitney: Docket No. FAA–2021–0661; Project Identifier AD–2020–01349–E.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) action by October 12, 2021.

(b) Affected ADs

This AD replaces AD 2011–07–02, Amendment 39–16639 (76 FR 16526, March 24, 2011).

(c) Applicability

This AD applies to Pratt & Whitney (P&W) JT8D–209, JT8D–217, JT8D–217A, JT8D–217C, and JT8D–219 model turbofan engines.

(d) Subject

Joint Aircraft System Component (JASC) Code 7230, Turbine Engine Compressor Section.

(e) Unsafe Condition

This AD was prompted by a report of an MD–82 airplane, equipped with a JT8D–217C model turbofan engine, experiencing an engine surge that resulted in the fracture of the low-pressure turbine (LPT) blade and uncontained release of the LPT blade. Five prior uncontained LPT blade failures were also reported on affected model turbofan engines. The FAA is issuing this AD to prevent LPT blade fracture and uncontained release of the LPT blade. The unsafe condition, if not addressed, could result in uncontained engine debris, damage to the engine, and damage to the aircraft.

(f) Compliance

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

(g) Required Actions

(1) For JT8D–209, JT8D–217, and JT8D–217A model turbofan engines, within the compliance times specified in the Accomplishment Instructions, Part 1: JT8D–209, –217, –217A Engines (Part 1), paragraph 1.A., of P&W Alert Service Bulletin No. JT8D A6224, Revision No. 7, dated August 26, 2019 (the ASB), perform an initial torque inspection for shroud notch wear of the 3rd-stage LPT blades using the procedures in Part 1, paragraph 1, of the ASB.

(i) Thereafter, within the applicable reinspection interval specified in Table 1—Reinspection Interval for all 3rd Stage Blades, of the ASB, repeat the torque inspection for shroud notch wear required by paragraph (g)(1) of this AD.

(ii) If the results of the torque inspection required by paragraphs (g)(1) or (g)(1)(i) of this AD meet the criteria for engine removal specified in Table 1—Reinspection Interval for all 3rd Stage Blades, of the ASB, perform piece-part inspections in accordance with the Instructions for Continued Airworthiness (ICA) on all 3rd-stage LPT blades before exceeding 20 hours time-in-service (TIS) since the last torque inspection.

(2) For JT8D–209, JT8D–217, and JT8D–217A model turbofan engines, within the compliance times specified in Table A or Table B, of the ASB, as applicable, perform an initial torque inspection for shroud notch wear of the 4th-stage LPT blades using the procedures in Part 1, paragraph 1, of the ASB. Wherever the ASB refers to ''Revision 7 Release Date'' and ''At SB Release Date,'' use the effective date of this AD.

(i) For engines in which the last inspection prior to the effective date of this AD had a torque inspection result of less than 15 LB–IN on any 4th-stage LPT blade, perform piece-part inspections in accordance with the ICA on all 3rd-stage and 4th-stage LPT blades within 20 hours TIS after the effective date of this AD.

(ii) Thereafter, within the applicable reinspection interval specified in Table 2—Reinspection Interval for all 4th Stage Blades, of the ASB, repeat the torque inspection for shroud notch wear required by paragraph (g)(2) of this AD.

(iii) If the results of the torque inspection required by paragraphs (g)(2) or (g)(2)(ii) of this AD meet the criteria for engine removal specified in Table 2—Reinspection Interval for all 4th Stage Blades, of the ASB, perform piece-part inspections in accordance with the ICA on all 3rd-stage and 4th-stage LPT blades before exceeding 20 hours TIS since the last torque inspection.

(3) For JT8D–217C and JT8D–219 model turbofan engines, within the compliance times specified in Table A or Table B, of the ASB, as applicable, perform an initial torque inspection for shroud notch wear of the 4th-stage LPT blades using the procedures in the Accomplishment Instructions, Part 2: JT8D–217C, –219 Engines (Part 2), paragraph 1, of the ASB. Wherever the ASB refers to ''Revision 7 Release Date'' and ''At SB Release Date,'' use the effective date of this AD.

(i) For engines in which the last inspection prior to the effective date of this AD had a torque inspection result of less than 15 LB–IN on any 4th-stage LPT blade, perform piece-part inspections in accordance with the ICA on all 3rd-stage and 4th-stage LPT blades within 20 hours TIS after the effective date of this AD.

(ii) Thereafter, within the reinspection interval specified in Table 3-Reinspection Interval for all 4th Stage Blades, of the ASB, repeat the torque inspection for shroud notch wear required by paragraph (g)(3) of this AD.

(iii) If the results of the torque inspection required by paragraph (g)(3) and (g)(3)(ii) of this AD meet the criteria for engine removal specified in Table 3—Reinspection Interval for all 4th Stage Blades, of the ASB, perform piece-part inspections in accordance with the ICA on all 3rd-stage and 4th-stage LPT blades before exceeding 20 hours TIS since the last torque inspection.

(4) At the first engine shop visit after January 1, 2023, or prior to accumulating 5,000 TIS on the 3rd-stage and 4th-stage LPT blades, whichever occurs later, but not to exceed 6 years after the effective date of the AD, replace the 3rd-stage and 4th-stage LPT blades with parts eligible for installation.

(5) Thereafter, prior to accumulating 5,000 hours TIS on the 3rd-stage and 4th-stage LPT blades since their last replacement, replace the 3rd-stage and 4th-stage LPT blades with parts eligible for installation.

(6) After every replacement of the 3rd-stage or 4th-stage LPT blades, perform initial and repetitive torque inspections of the 3rd-stage or 4th-stage LPT blades using, as applicable, the accomplishment instructions and

compliance times in Part 1, paragraph 1, or Part 2, paragraph 1, of the ASB.

(i) If the results of the torque inspection required by paragraph (g)(6) of this AD meet the criteria for engine removal specified in Table 1, 2 or 3, of the ASB, as applicable, perform piece-part inspections in accordance with the ICA on all 3rd-stage and 4th-stage LPT blades before exceeding 20 hours TIS since the last torque inspection.

(ii) [Reserved]

(7) The initial inspection or the reinspection interval should not be reset unless the blades are refurbished. Whenever a used blade is reinstalled in a rotor, the previous used time should be subtracted from the initial inspection threshold.

(8) Whenever a refurbished or used blade is intermixed with zero hours time-since-new (TSN) blades in a rotor, use the lowest initial inspection threshold that is applicable.

(9) At the next accessibility to the LPT-to-exhaust case bolts and nuts after the effective date of this AD, do the following:

(i) Replace the bolts with part number (P/N) MS9557–26 bolts;

(ii) Replace the nuts with P/N 375095 nuts or P/N 490270 nuts; and

(iii) Install crushable sleeve spacers, P/N 822903, under the head of the bolts.

Note 1 to paragraph (g): Guidance on replacing the 3rd-stage and 4th-stage LPT blades can be found in P&W ASB JT8D A6507, dated November 2, 2020.

Note 2 to paragraph (g): Guidance on replacing the LPT-to-exhaust case bolts and nuts and installing the crushable sleeve spacers can be found in P&W ASB No. JT8D A6494, Revision No. 1, dated January 26, 2010.

(h) Definitions

For the purpose of this AD:

(1) An ''engine shop visit'' is the induction of an engine into the shop for maintenance involving the separation of pairs of major mating engine flanges, except that the separation of engine flanges solely for the purposes of transportation without subsequent engine maintenance does not constitute an engine shop visit.

(2) Accessibility to the LPT-to-exhaust case bolts refers to maintenance involving the inner turbine fan ducts being removed from the engine.

(3) Parts eligible for installation are 3rd-stage or 4th-stage LPT blades with less than 5,000 hours TIS.

(4) A ''piece-part inspection'' is when the blades are removed from the rotor.

(5) A ''used blade'' refers to a 3rd-stage or 4th-stage LPT blade that has more than zero hours TSN.

(i) Credit for Previous Actions

You may take credit for any initial torque inspection for shroud notch wear required by paragraphs (g)(1) through (3) of this AD if you performed the initial inspection before the effective date of this AD using P&W ASB No. JT8D A6224, Revision No. 5, dated June 11, 2004, or Revision No. 6, dated May 3, 2007.

(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 ECO Branch, 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

(1) For more information about this AD, contact Nicholas Paine, Aviation Safety Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: (781) 238–7116; fax: (781) 238–7199; email: *nicholas.j.paine@faa.gov*.

(2) For service information identified in this AD, contact Pratt & Whitney, 400 Main Street, East Hartford, CT 06118; phone: (800) 565–0140; email: *help24@prattwhitney.com;* website: *https://fleetcare.prattwhitney.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 5, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–18489 Filed 8–26–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0712; Project Identifier 2019–CE–018–AD]

RIN 2120–AA64

Airworthiness Directives; ASI Aviation (Type Certificate Previously Held by Reims Aviation S.A.) Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to supersede Airworthiness Directive (AD) 2015–16–07 R1, which applies to certain Reims Aviation S.A. (type certificate now held by ASI Aviation) Model F406 airplanes. AD 2015–16–07 R1 requires inspecting the left-hand and right-hand rudder control pedal torque tubes and replacing with a serviceable part as necessary. Since the FAA issued AD 2015–16–07 R1, the European Aviation Safety Agency (EASA) superseded its mandatory continuing airworthiness information (MCAI) to correct an unsafe condition on these products. This proposed AD would retain the requirements of AD 2015–16–07 R1, expand the applicability, and require repeating the inspections using updated procedures. 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 12, 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 ASI Aviation, Aérodrome de Reims Prunay, 51360 Prunay, France; telephone: +33 3 26 48 46 84; fax: +33 3 26 49 18 57; email: *contact@asi-aviation.fr;* website: *https://asi-aviation.fr/page-Accueil.html.* You may view this service information at the Airworthiness Products Section, Operational Safety Branch, FAA, 901 Locust, Kansas City, MO 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0712; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the MCAI, any comments received, and other information. The street address for Docket Operations is listed above.

FOR FURTHER INFORMATION CONTACT: Gregory Johnson, Aviation Safety Engineer, FAA, General Aviation & Rotorcraft Section, International Validation Branch, 901 Locust, Room 301, Kansas City, MO 64106; phone: (720) 626–5462; fax: (816) 329–4090; email: *gregory.johnson@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–2021–0712; Project Identifier 2019–CE–018–AD'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend 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 Gregory Johnson, Aviation Safety Engineer, FAA, General Aviation & Rotorcraft Section, International Validation Branch, 901 Locust, Room 301, Kansas City, MO 64106. 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 2015–16–07 R1, Amendment 39–18328 (80 FR 72563, November 20, 2015) (AD 2015–16–07 R1), for certain serial-numbered Reims Aviation S.A. (type certificate now held by ASI Aviation) Model F406 airplanes. AD 2015–16–07 R1 was prompted by MCAI originated by EASA, which is the Technical Agent for the Member States of the European Union. EASA issued EASA AD 2015–0159R1, dated August 24, 2015, to identify and correct an unsafe condition identified as detachment of the pilot's rudder control pedal in flight.

AD 2015–16–07 R1 requires inspecting the left-hand and right-hand rudder control pedal torque tubes and replacing with a serviceable part as necessary. The FAA issued AD 2015–16–07 R1 to detect and correct cracking of the pilot rudder control pedal which, if not corrected, could result in detachment of the pedal with possible loss of airplane directional control. AD 2015–16–07 R1 revised AD 2015–16–07, Amendment 39–18232 (80 FR 49127, August 17, 2015) (AD 2015–16–07), by adding an option for acceptable serviceable replacement parts. AD 2015–16–07 R1 retained the compliance times required by AD 2015–16–07.

Actions Since AD 2015–16–07 R1 Was Issued

Since the FAA issued AD 2015–16–07 R1, EASA superseded EASA AD 2015–0159R1, dated August 24, 2015, and issued EASA AD 2019–0016, dated January 29, 2019 (referred to after this as ''the MCAI''). The MCAI states:

> An occurrence was reported where one pilot rudder control pedal of an F 406 aeroplane detached in flight. No change in aeroplane attitude occurred. The rudder was controlled using the co-pilot rudder pedals, and an uneventful landing was made. Investigation results determined that the affected rudder pedal torque tube had failed due to a crack.
>
> This condition, if not detected and corrected, could lead to further cases of rudder pedal torque tube failure, possibly resulting in reduced control of the aeroplane.
>
> To address this potential unsafe condition, ASI Aviation issued SB [service bulletin] F406–104 to provide inspection instructions. Consequently, EASA issued Emergency AD 2015–0159–E (later revised) to require a one-time inspection of the rudder control pedal torque tubes, both left-hand (LH) and right-hand (RH), and, depending on findings, replacement with a serviceable part. That [EASA] AD also required inspection of replacement rudder control pedal torque tubes before installation.
>
> Since EASA AD 2015–0159R1 was issued, further occurrences were reported of finding cracks on rudder pedal torque tubes. Consequently, ASI Aviation issued the SB (as defined in this [EASA] AD) to provide instructions for repetitive visual, dye- or fluorescent-penetrant, and magnetic particle inspections.
>
> For the reason described above, this [EASA] AD retains the requirements of EASA AD 2015–0159R1, which is superseded, and requires implementation of repetitive inspections of the affected parts and, depending on findings, replacement.

You may examine the MCAI in the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0712.

Related Service Information Under 1 CFR Part 51

The FAA reviewed ASI Aviation Service Bulletin No. F406–104, Revision 1, dated December 14, 2018. The service information specifies procedures for repetitively inspecting the left-hand and right-hand rudder control pedal torque tubes for cracks and replacing with a serviceable part.

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 this State of Design Authority, it has notified the FAA of the unsafe condition described in the MCAI and service information referenced above. The FAA is issuing this NPRM after determining 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 retain the requirements of AD 2015–16–07 R1, expand the applicability, and require repetitive inspections (using improved procedures) of the left-hand and right-hand rudder control pedal torque tubes, and, depending on findings, replacement with a serviceable part.

Differences Between This Proposed AD and the MCAI

The MCAI specifies an initial compliance time of during the next 600 flight hour (FH) maintenance check for a visual and a dye or fluorescent penetrant inspection. This proposed AD would require those initial inspections before further flight.

The MCAI specifies an initial compliance time of during the next 2,400 FH maintenance check for a magnetic particle inspection. This proposed AD would require that initial inspection within 100 hours time-in-service after the effective date of this AD.

If a crack is detected during any inspection, the MCAI specifies contacting ASI Aviation for further information. This proposed AD would

require replacing the rudder control pedal torque tube with a serviceable part.

Costs of Compliance

The FAA estimates that this proposed AD, if adopted as proposed, would affect 4 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 airplane	Cost on U.S. operators
Inspections	5 work-hours × $85 per hour = $425 per inspection cycle.	$0	$425 per inspection cycle	$1,700 per inspection cycle.

The FAA estimates the following costs to replace a rudder control pedal torque tube if required by the results of the proposed inspections. The FAA has no way of determining the number of airplanes that might need these replacements:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per airplane
Replacement	20 work-hours × $85 per hour = $1,700	$9,100	$10,800

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 2015–16–07 R1, Amendment 39–18328 (80 FR 72563, November 20, 2015); and

■ b. Adding the following new airworthiness directive:

ASI Aviation (Type Certificate Previously Held by Reims Aviation S.A.): Docket No. FAA–2021–0712; Project Identifier 2019–CE–018–AD.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by October 12, 2021.

(b) Affected ADs

This AD replaces AD 2015–16–07 R1, Amendment 39–18328 (80 FR 72563, November 20, 2015) (AD 2015–16–07 R1).

(c) Applicability

This AD applies to ASI Aviation (type certificate previously held by Reims Aviation S.A.) Model F406 airplanes, all serial numbers, certificated in any category.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by reports of detachment of the pilot's rudder control pedal in flight. The FAA is issuing this AD to detect and correct cracking of the pilot's rudder control pedal. The unsafe condition, if not addressed, could result in detachment of the pedal with possible loss of airplane directional control.

(f) Compliance

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

(g) Definition

For the purpose of this AD, a serviceable part is:

(1) A rudder control pedal torque tube (left-hand (LH) part number (P/N) 5115260–1 or right hand (RH) P/N 5115260–2) that has had a magnetic particle inspection by following the instructions of Part B of ASI Aviation Service Bulletin No. F406–104, Revision 1, dated December 14, 2018, and no cracks were found; or

(2) A new rudder control pedal torque tube (LH P/N 5115260–1 or RH P/N 5115260–2) that has never been installed on an airplane.

(h) Repetitive Inspections and Corrective Actions

(1) Before further flight after the effective date of this AD, and thereafter at intervals not to exceed 600 hours time-in-service (TIS), do a visual inspection and a dye or fluorescent penetrant inspection for cracks of the LH and RH rudder control pedal torque tubes by

following the Accomplishment Instructions, Part A or Part AA, in ASI Aviation Service Bulletin No. F406–104, Revision 1, dated December 14, 2018.

(2) Within 100 hours TIS after the effective date of this AD, and thereafter at intervals not to exceed 2,400 hours TIS, do a magnetic particle inspection for cracks of the LH and RH rudder control pedal torque tubes by following the Accomplishment Instructions, Part B, in ASI Aviation Service Bulletin No. F406–104, Revision 1, dated December 14, 2018.

(3) If, during any inspection required by paragraph (h)(1) or (2) of this AD, any crack is detected on a rudder control pedal torque tube, you are not required to contact ASI Aviation as specified in steps A.16, AA.5, and B.4 of ASI Aviation Service Bulletin No. F406–104, Revision 1, dated December 14, 2018. Instead, before further flight, replace the rudder control pedal torque tube with a serviceable part as defined by this AD.

(i) Installation Limitation

As of the effective date of this AD, do not install a rudder control pedal torque tube P/N 5115260–1 (LH) or P/N 5115260–2 (RH) on any airplane unless it is a serviceable part as defined by this AD.

(j) Alternative Methods of Compliance (AMOCs)

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

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

(k) Related Information

(1) For more information about this AD, contact Gregory Johnson, Aviation Safety Engineer, FAA, General Aviation & Rotorcraft Section, International Validation Branch, 901 Locust, Room 301, Kansas City, MO 64106; phone: (720) 626–5462; fax: (816) 329–4090; email: *gregory.johnson@faa.gov.*

(2) Refer to European Aviation Safety Agency (EASA) AD 2019–0016, dated January 29, 2019, for more information. You may examine the EASA AD in the AD docket at *https://www.regulations.gov* by searching for and locating it in Docket No. FAA–2021–0712.

(3) For service information identified in this AD, contact ASI Aviation, Aérodrome de Reims Prunay, 51360 Prunay, France; telephone: +33 3 26 48 46 84; fax: +33 3 26 49 18 57; email: *contact@asi-aviation.fr;* website: *https://asi-aviation.fr/page-Accueil.html.* You may view this service information at the Airworthiness Products Section, Operational Safety Branch, FAA, 901 Locust, Kansas City, MO 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

Issued on August 20, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–18384 Filed 8–26–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0711; Project Identifier 2019–CE–024–AD]

RIN 2120–AA64

Airworthiness Directives; Pacific Aerospace Limited 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 Pacific Aerospace Limited Model 750XL airplanes. This proposed AD was prompted by mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as chafing of the engine fuel feed line hoses. This proposed AD would require inspecting the engine fuel feed line hoses and the electrical wiring and rerouting all fuel lines. 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 12, 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 the Civil Aviation Authority of New Zealand, Level 15, Asteron Centre, 55 Featherston Street, Wellington 6011; phone: + 64 4 560 9400; fax: + 64 4 569 2024; email: *info@caa.govt.nz.* You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 901 Locust, Kansas City, MO 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0711; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the MCAI, any comments received, and other information. The street address for Docket Operations is listed above.

FOR FURTHER INFORMATION CONTACT: Mike Kiesov, Aviation Safety Engineer, General Aviation & Rotorcraft Section, International Validation Branch, FAA, 901 Locust, Room 301, Kansas City, MO 64106; phone: (816) 329–4144; fax: (816) 329–4090; email: *mike.kiesov@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–2021–0711; Project Identifier 2019–CE–024–AD'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM

contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Mike Kiesov, Aviation Safety Engineer, General Aviation & Rotorcraft Section, International Validation Branch, FAA, 901 Locust, Room 301, Kansas City, MO 64106. 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 Civil Aviation Authority (CAA), which is the aviation authority for New Zealand, has issued AD No. DCA/750XL/37, effective April 25, 2019 (referred to after this as ''the MCAI''), to correct an unsafe condition for certain Pacific Aerospace Limited Model 750XL airplanes. The MCAI states:

> DCA/750XL/37 is prompted by a review of the installation of the engine fuel lines and the electrical installation forward of the engine firewall on aircraft fitted with an air conditioner and/or a standby alternator, including those aircraft configured for the installation of an air conditioner and/or a standby alternator. It was found that the engine fuel feed lines hoses could possibly chafe against the adjacent electrical wiring and the ignition exciter, which could result in a fuel leak and possible fire. The [CAA] AD is issued to introduce the corrective actions in Pacific Aerospace Mandatory Service Bulletin (MSB) PACSB/XL/113 issue 2, dated 8 March 2019.

You may examine the MCAI in the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0711.

Related Service Information Under 1 CFR Part 51

The FAA reviewed Pacific Aerospace Mandatory Service Bulletin PACSB/XL/113, Issue 2, dated March 8, 2019. The service information contains procedures for inspecting the engine fuel feed line hoses and the electrical wiring for chafing or damage, rerouting all fuel lines and the fuel transducer and pressure switch wiring (including installing P clips), and inspecting the fuel hose for chafing and replacing chafed fire sleeves or fuel hoses if necessary. 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 this State of Design Authority, it has notified the FAA of the unsafe condition described in the MCAI and service information referenced above. The FAA is issuing this NPRM after determining 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 described previously, except as discussed under ''Differences Between this Proposed AD and the MCAI.''

Differences Between This Proposed AD and the MCAI

The MCAI requires an inspection at the next 150 hour maintenance inspection or within the next 50 hours time-in-service (TIS), whichever occurs later, while this proposed AD would require those actions within 50 hours TIS or at the next annual inspection after the effective date of this AD, whichever occurs later. If there is no chafing and damage found during the inspection, the MCAI requires certain follow-on actions at the next 300 hour maintenance inspection or within the next 50 hours TIS, whichever is later. This proposed AD would require those actions within 50 hours TIS or at the next annual inspection, whichever occurs later, because there is no regulatory requirement for operators in the U.S. to have 150-hour or 300-hour maintenance inspections.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 23 airplanes of U.S. registry. The FAA also estimates that it would take about 5 work-hours per airplane and require parts costing $20 per airplane to comply with the inspection and re-routing that would be required by this proposed AD. The average labor rate is $85 per work-hour.

Based on these figures, the FAA estimates the inspection and re-routing cost of this proposed AD on U.S. operators to be $10,235, or $445 per airplane.

The FAA has included all known costs in its cost estimate. According to the manufacturer, however, some 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:

Pacific Aerospace Limited: Docket No. FAA–2021–0711; Project Identifier 2019–CE–024–AD.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by October 12, 2021.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Pacific Aerospace Limited Model 750XL airplanes, serial numbers 101 through 215 inclusive, 220, 8001, and 8002, certificated in any category, that are fitted with an air conditioner and/or a standby alternator, including airplanes configured for the installation of an air conditioner and/or a standby alternator, as shown in Figure 1 of Part A in Pacific Aerospace Mandatory Service Bulletin PACSB/XL/113, Issue 2, dated March 8, 2019 (MSB PACSB/XL/113, Issue 2).

(d) Subject

Joint Aircraft System Component (JASC) Code 2820, Aircraft Fuel Distribution, and 2497, Electrical Power System Wiring.

(e) Unsafe Condition

This AD was prompted by mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and address an unsafe condition on an aviation product. The MCAI describes the unsafe condition as chafing of the engine fuel feed line hoses. The FAA is issuing this AD to prevent chafing of the engine fuel feed line hoses with electrical wiring and the ignition exciter located forward of the engine firewall. The unsafe condition, if not addressed, could result in a fuel leak and fire.

(f) Compliance

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

(g) Required Actions

Within 50 hours time-in-service (TIS) or at the next annual inspection after the effective date of this AD, whichever occurs later, inspect the engine fuel feed line hoses and the electrical wiring for chafing and damage in accordance with the Accomplishment Instructions, Part A steps 3) and 4), in MSB PACSB/XL/113, Issue 2.

(1) If there is any chafing or damage that penetrates the orange outer covering of the fuel line fire sleeve or if there is any chafed or damaged electrical wiring, before further flight, inspect the fuel hose for chafing, replace any chafed fire sleeve or fuel hose, and reroute all fuel lines in accordance with the Accomplishment Instructions, Part B, in MSB PACSB/XL/113, Issue 2.

(2) If there are no chafed or damaged engine fuel feed line hoses and no chafed or damaged electrical wiring, within 50 hours TIS or at the next annual inspection, whichever occurs later, reroute all fuel lines in accordance with the Accomplishment Instructions, Part B, in MSB PACSB/XL/113, Issue 2.

(h) Alternative Methods of Compliance (AMOCs)

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

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

(i) Related Information

(1) For more information about this AD, contact Mike Kiesov, Aviation Safety Engineer, General Aviation & Rotorcraft Section, International Validation Branch, FAA, 901 Locust, Room 301, Kansas City, MO 64106; phone: (816) 329–4144; fax: (816) 329–4090; email: *mike.kiesov@faa.gov.*

(2) Refer to Civil Aviation Authority (CAA) of New Zealand AD DCA/750XL/37, effective April 25, 2019, for more information. You may examine the CAA AD in the AD docket at *https://www.regulations.gov* by searching for and locating it in Docket No. FAA–2021–0711.

(3) For service information identified in this AD, contact the CAA of New Zealand, Level 15, Asteron Centre, 55 Featherston Street, Wellington 6011; phone: + 64 4 560 9400; fax: + 64 4 569 2024; email: *info@caa.govt.nz.* You may view this service information at the Airworthiness Products Section, Operational Safety Branch, FAA, 901 Locust, Kansas City, MO 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

Issued on August 23, 2021.

Gaetano A. Sciortino,

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

[FR Doc. 2021–18444 Filed 8–26–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2021–0674; Airspace Docket No. 21–ASW–14]

RIN 2120–AA66

Proposed Amendment Class D and Class E Airspace; Ardmore, OK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend the Class D and Class E airspace at Ardmore, OK. The FAA is proposing this action as the result of airspace reviews due to the decommissioning of the Arbuckle non-directional beacon (NDB). The geographic coordinates of the airport would also be updated to coincide with the FAA's aeronautical database.

DATES: Comments must be received on or before October 12, 2021.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590; telephone (202) 366–9826, or (800) 647–5527. You must identify FAA Docket No. FAA–2021–0674/Airspace Docket No. 21–ASW–14, at the beginning of your comments. You may also submit comments through the internet at *https://www.regulations.gov.* You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays.

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

FOR FURTHER INFORMATION CONTACT: Jeffrey Claypool, Federal Aviation Administration, Operations Support

Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222–5711.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would amend the Class D airspace, Class E airspace area designated as an extension to Class D airspace, and Class E airspace extending upward from 700 feet above the surface at Ardmore Municipal Airport, Ardmore, OK, and the Class E airspace extending upward from 700 feet above the surface at Ardmore Downtown Executive Airport, Ardmore, OK, to support instrument flight rule operations at these airports.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2021–0674/Airspace Docket No. 21–ASW–14.'' The postcard will be date/time stamped and returned to the commenter.

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

Availability of NPRMs

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

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

Availability and Summary of Documents for Incorporation by Reference

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

The Proposal

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

Amending the Class D airspace to within a 4.3-mile (increased from a 4.2-mile) radius of Ardmore Municipal Airport, Ardmore, OK; updating the geographic coordinates of the airport to coincide with the FAA's aeronautical database; and replacing the outdated term ''Airport/Facility Directory'' with ''Chart Supplement'';

Amending the Class E airspace area designated as an extension to Class D airspace at Ardmore Municipal Airport within 1.4 (increased from 1.3) miles each side of the Ardmore VORTAC 050° (previously 056°) radial extending from the 4.3-mile (increased from 4.2-mile) radius of airport to 7.4 (decreased from 8.4) miles southwest of airport; updating the geographic coordinates of the airport to coincide with the FAA's aeronautical database; and replacing the outdated term ''Airport/Facility Directory'' with ''Chart Supplement'';

And amending the Class E airspace extending upward from 700 feet above the surface at Ardmore Municipal Airport by adding an extension within 1.5 miles each side of the Ardmore VORTAC 050° radial extending from the 6.8-mile radius of the airport to 8.4 miles southwest of the airport; within 1.1 miles each side of the 315° bearing from the airport extending from the 6.8-mile radius of the airport to 7 (increased from 6.9) miles northwest of the airport; updating the geographic coordinates of the airport to coincide with the FAA's aeronautical database; and removing the extension northwest of the Ardmore VORTAC as it is no longer required.

These actions are the result of airspace reviews caused by the decommissioning of the Arbuckle NDB which provided guidance to instrument procedures at these airports.

Class D and Class E airspace designations are published in paragraph 5000, 6004, and 6005, respectively, of FAA Order 7400.11E, dated July 21, 2020, and effective September 15, 2020, which is incorporated by reference in 14 CFR 71.1. The Class D and E airspace designations listed in this document will be published subsequently in the Order.

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

Regulatory Notices and Analyses

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

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F,

''Environmental Impacts: Policies and Procedures'' prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

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

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

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

71.1 [Amended]

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

Paragraph 5000 Class D Airspace.

* * * * *

ASW OK D Ardmore, OK [Amended]

Ardmore Municipal Airport, OK
(Lat. 34°18′14″ N, long. 97°01′14″ W)

That airspace extending upward from the surface to and including 3,300 feet MSL within a 4.3-mile radius of Ardmore Municipal Airport. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

6004 Class E Airspace Areas Designated as an Extension to a Class D or Class E Surface Area.

* * * * *

ASW OK E4 Ardmore, OK [Amended]

Ardmore Municipal Airport, OK
(Lat. 34°18′14″ N, long. 97°01′14″ W)
Ardmore VORTAC
(Lat. 34°12′42″ N, long. 97°10′06″ W)

That airspace extending upward from the surface within 1.4 miles each side of the Ardmore VORTAC 050° radial extending from the 4.3-mile radius of Ardmore Municipal Airport to 7.4 miles southwest of the airport, and within 1 mile each side of the 315° bearing from Ardmore Municipal Airport extending from the 4.3-mile radius of the airport to 5.3 miles northwest of the airport. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

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

* * * * *

ASW OK E5 Ardmore, OK [Amended]

Ardmore Municipal Airport, OK
(Lat. 34°18′14″ N, long. 97°01′14″ W)
Ardmore VORTAC
(Lat. 34°12′42″ N, long. 97°10′06″ W)
Ardmore Downtown Executive Airport, OK
(Lat. 34°08′49″ N, long. 97°07′22″ W)

That airspace extending upward from the 700 feet above the surface within a 6.8-mile radius of Ardmore Municipal Airport, and within 1.5 miles each side of the Ardmore VORTAC 050° radial extending from the 6.8-mile radius of Ardmore Municipal Airport to 8.4 miles southwest of the airport, and within 1.1 miles each side of the 315° bearing from the Ardmore Municipal Airport extending from the 6.8-mile radius of the airport to 7 miles northwest of the airport, and within a 6.5-mile radius of Ardmore Downtown Executive Airport.

Issued in Fort Worth, Texas, on August 23, 2021.

Martin A. Skinner,

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

[FR Doc. 2021–18360 Filed 8–26–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

46 CFR Parts 10, 11, and 15

[Docket No. USCG–2020–0069]

RIN 1625–AC63

Pilots' Medical Certificate Validity Period

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to extend the maximum period of validity of merchant mariner medical certificates issued to first-class pilots and masters or mates serving as pilot from 2 years to 5 years. This proposed rule would reduce the frequency of medical certification application submissions to the Coast Guard. First-class pilots and masters and mates who serve as pilot on vessels of 1,600 gross registered tons or more would be required to submit the results of their annual physical examinations to the Coast Guard between medical certificate applications if: The mariner does not meet the physical ability requirements; the mariner has a condition that does not meet the medical, vision, or hearing requirements; the mariner is deemed ''not recommended'' by a medical practitioner for a medical certificate; or upon request by the Coast Guard. The proposed rule will not compromise safety because it maintains the requirement for pilots to obtain annual physicals and because it provides the Coast Guard opportunity to review the medical examination of pilots who may become medically unqualified between medical certificate applications.

DATES: Comments and related material must be received by the Coast Guard on or before October 26, 2021.

ADDRESSES: You may submit comments identified by docket number USCG–2020–0069 using the Federal Decision Making Portal at *https://www.regulations.gov.* See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

Collection of information. Submit comments on the collection of information discussed in section VI.D of this preamble both to the Coast Guard's online docket and to the Office of Information and Regulatory (OIRA) in the White House Office of Management and Budget (OMB) using their website *www.reginfo.gov/public/do/PRAMain.* Comments sent to OIRA on the collection of information must reach OMB on or before the comment due date listed on their website.

FOR FURTHER INFORMATION CONTACT: For information about this document, call or email Eric Malzkuhn, Coast Guard; telephone 202–372–1425, email *eric.f.malzkuhn@uscg.mil.*

SUPPLEMENTARY INFORMATION:

Table of Contents for Preamble

I. Public Participation and Request for Comments

The Coast Guard views public participation as essential to effective rulemaking, and will consider all comments and material received during the comment period. Your comment can help shape the outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

Submitting comments. We encourage you to submit comments through the Federal Decision Making Portal at *https://www.regulations.gov.* To do so, go to *https://www.regulations.gov,* type USCG–2020–0069 in the search box, and click ''Search.'' Next, look for this document in the Search Results column, and click on it. Then click on the Comment option. If you cannot submit your material by using *https://www.regulations.gov,* call or email the person in the **FOR FURTHER INFORMATION CONTACT** section of this proposed rule for alternate instructions.

Viewing material in docket. To view documents mentioned in this proposed rule as being available in the docket, find the docket as described in the previous paragraph, and then select ''Supporting & Related Material'' in the Document Type column. Public comments will also be placed in our online docket and can be viewed by following instructions on the *https://www.regulations.gov* Frequently Asked Questions web page. We review all comments received, but we will only post comments that address the topic of the proposed rule. We may choose not to post off-topic, inappropriate, or duplicate comments that we receive.

Personal information. We accept anonymous comments. Comments we post to *https://www.regulations.gov* will include any personal information you have provided. For more about privacy and submissions to the docket in response to this document, see DHS's eRulemaking System of Records notice (85 FR 14226, March 11, 2020).

Public meeting. We do not plan to hold a public meeting but we will consider doing so if we determine from public comments that a meeting would be helpful. We would issue a separate **Federal Register** notice to announce the date, time, and location of such a meeting.

II. Abbreviations

BLS Bureau of Labor Statistics
CFR Code of Federal Regulations
DHS Department of Homeland Security
DOT Department of Transportation
DUI Driving under the influence
DWI Driving while intoxicated
FCP First-class pilot
FR Federal Register
GRT Gross registered tons
GS General service
MMC Merchant Mariner Credential
MMLD Merchant Mariner Licensing and Documentation
MMD Merchant Mariner's Document
NMC National Maritime Center
NPRM Notice of proposed rulemaking
OMB Office of Management and Budget
REC Regional Examination Center
§ Section
STCW Standards of Training, Certification, and Watchkeeping for Seafarers, 1978, as amended
STCW Convention International Convention on Standards of Training, Certification and Watchkeeping for Seafarers
SME Subject matter expert
U.S.C. United States Code
USPS United States Postal Service

III. Basis and Purpose

The purpose of this proposed rule is to extend the maximum period of validity of merchant mariner medical certificates issued to first-class pilots (FCPs) and masters or mates serving as pilot to 5 years, which would reduce the frequency that they must submit a medical certificate application to the Coast Guard. Reducing the frequency of medical certificate applications would reduce the administrative burden on the mariner submitting the application and on the Coast Guard when processing the application and issuing the medical certificate. This proposed rule would also amend the submission requirements for the results of the statutorily required annual physical examination for pilots serving on vessels greater than 1,600 gross register tons (GRT).

The legal basis of this proposed rule is Title 46 of the United States Code (U.S.C.), Section 7101(c), which authorizes the Coast Guard to issue licenses to pilots who are found qualified as to physical fitness and Section 7101(c)'s other qualifications. Title 46 U.S.C. 7101(e)(2) further specifies that an individual may only be issued a license as pilot if they are found to be of sound health and have no physical limitations that would hinder or prevent them in the performance of a pilot's duties. Section 7101(e)(3) also requires each pilot serving on vessels 1,600 GRT or greater to have a thorough physical examination each year while holding the license. The Secretary of the Department of Homeland Security (DHS) has delegated these statutory authorities to the Coast Guard through DHS Delegation No. 00170.1(92)(e), Revision No. 01.2, which generally authorizes the Coast Guard to determine and establish the experience and professional qualifications required for the issuance of credentials. Additionally, 14 U.S.C. 102(3) grants the Coast Guard broad authority to promulgate and enforce regulations for the promotion of safety of life and property on waters subject to the jurisdiction of the United States.

IV. Background

The Coast Guard issues Merchant Mariner Credentials (MMCs) and medical certificates to qualified mariners who meet the requirements in title 46 of the Code of Federal Regulations (CFR), subchapter B, parts 10 through 13. The requirements for medical certification are described in 46 CFR part 10, subpart C. Currently, as described in § 10.301, the medical certificate will be issued for various periods of time based upon the endorsements the mariner holds. For mariners employed or engaged on vessels to which the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW Convention) applies, the maximum validity period is 2 years. For mariners serving as FCP, or masters or mates serving as pilot under 46 CFR 15.812, the maximum validity period is 2 years. For all other mariners serving on national MMC endorsements, the maximum validity period of the medical certificate is 5 years. Mariners may not be employed in a position requiring an MMC unless they hold a valid medical certificate as described in § 15.401(c).

Under the current requirements, FCPs and masters or mates who are serving as pilot on vessels of any tonnage must submit the results of a physical examination recorded on form CG–719K, the ''Application for Medical Certificate,'' to the Coast Guard every 2 years in order to maintain a valid medical certificate.

In accordance with § 11.709, FCPs and masters or mates serving as pilot on vessels of 1,600 GRT or more are required to have an annual physical examination that meets the medical and physical requirements described in part 10 subpart C. This annual physical examination requirement for pilots serving on vessels of 1,600 GRT or more has been in place since the enactment of the Port and Tanker Safety Act of 1978 (Pub. L. 95–474) and is codified in 46 U.S.C. 7101(e)(3). The Port and Tanker Safety Act was implemented as

a result of safety concerns related to increased port congestion and vessel traffic, increasing vessel size, and the unique physical and cognitive demands placed upon pilots in performing their duties.

In 1985, the Coast Guard amended its regulations to require FCPs and masters or mates serving as pilot on vessels greater than 1,600 GRT to undergo annual physical examinations and to provide copies of their most recent physical examination to the Coast Guard upon request (see Volume 50 of the **Federal Register** (FR) at page 26106). In 2006, the Coast Guard published a notice exercising its authority to require all FCPs on vessels of 1,600 GRT or more, and other individuals serving as pilot on vessels of 1,600 GRT or more, to submit their physical examination results annually (see 71 FR 56999, Sept. 28, 2006). In 2009, the regulations were amended to include the annual physical examination submission requirement described in the 2006 public notice (see 74 FR 11196, March 16, 2009).

In 2014, the Coast Guard implemented a final rule titled, ''Implementation of the Amendments to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, (STCW Convention) and Changes to National Endorsements'' (see 78 FR 77796, December 24, 2013), which established the current 2-year maximum period of validity of mariner medical certificates for FCPs. That rule reinforced the requirement in 46 CFR 11.709 that pilots serving on vessels of 1,600 GRT or more must undergo annual physical examination, but it changed the submission requirement of the annual physical exam to every other year to coincide with the expiration of the medical certificate.

In July 2017, the Coast Guard tasked the Merchant Mariner Personnel Advisory Committee, the Merchant Mariner Medical Advisory Committee, and the Great Lakes Pilotage Advisory Committee with identifying regulations, guidance, or information collections that that are outdated, ineffective, or exceed benefits and impose administrative burdens or costs on the maritime industry (see 82 FR 32511, 82 FR 32513, 82 FR 34909).

These three advisory committees noted that they received comments regarding the maximum period of validity of medical certificates for FCPs and those serving as pilot on vessels of 1,600 GRT or more. Specifically, these comments indicated that pilots are limited to a 2-year maximum period of validity of their medical certificate when the validity period is 5 years for all other national endorsements. The advisory committees concluded that the 2-year maximum period of validity of the medical certificate for FCPs posed a burden on mariners and suggested the Coast Guard extend the period of validity to 5 years. Additionally, in July 2018, the Coast Guard received a petition for rulemaking from the American Pilots' Association requesting that we change the maximum period of validity of the medical certificate from 2 years to 5 years for FCPs and those authorized to serve as pilot. The petition for rulemaking and our response are available in the docket where indicated under the **ADDRESSES** portion of the preamble.

V. Discussion of Proposed Rule

This proposed rule would increase the current 2-year maximum period of validity of the medical certificate for FCPs and masters or mates serving as pilot to 5 years. Mariners serving as pilot would be required to submit the results of a physical examination, recorded on form CG–719K, the ''Application for Medical Certificate,'' every 5 years to the Coast Guard. The following provides a section-by-section discussion of the proposed changes.

A. 46 CFR 10.301: Pilot Medical Certificate Period of Validity

The Coast Guard proposes to amend 46 CFR 10.301, which contains the general requirements for the issuance of medical certificates to mariners meeting the medical and physical standards. We propose to extend the 2-year maximum period of validity of the medical certificate for FCPs and those serving as pilot by deleting current § 10.301(b)(2), which contains the 2-year maximum provision. This notice of proposed rulemaking (NPRM) also proposes to move current § 10.301(b)(4), without change, into its own paragraph. We would redesignate it as § 10.301(c) and redesignate current § 10.301(c) as § 10.301(d).

The standard maximum periods of validity for medical certificates in § 10.301(b)(1) for all persons employed or engaged onboard vessels to which the STCW Convention applies will remain the same. With this proposed rule, the standard maximum periods of validity for medical certificates in § 10.301(b) for all other mariners will be 5 years (including FCPs and mariners serving as pilot). As a result, like all other mariners holding national endorsements, FCPs and masters or mates serving as pilot would generally only have to submit a medical certificate application to the Coast Guard every 5 years. This proposed change would reduce the administrative burden on the pilots and the Coast Guard.

The time required for the medical certificate application and evaluation can be lengthy if the Coast Guard requests amplifying information to support the results of the physical examination. There may be correspondence between the mariner, the Coast Guard, and the mariner's medical practitioner that results in additional time for a medical certificate application to be approved. It is possible that the extra time required for the Coast Guard to complete the evaluation of the medical certificate application can result in a lapse in validity of an FCP endorsement or the ability of a master or mate to serve as pilot. The proposed change may allow more time for the Coast Guard to evaluate applications without jeopardizing the pilot's ability to serve under the authority of their endorsement.

This proposed rule would not change the regulations on medical waivers, limitations, and restrictions in § 10.303 for not meeting the medical and physical requirements of § 10.302. If the medical or physical standards are not met, the Coast Guard may grant waivers with conditions, such as operational limitations or restrictions on the medical certificate. Certain conditions, such as a need for more frequent monitoring of the mariner's medical condition, may result in the issuance of a time-limited medical certificate that would be valid for a shorter period than the maximum. Pilots holding a medical certificate with a 2-year validity period would be issued a 5-year maximum period of validity at their next medical certificate issuance, unless the certificate is time-limited due to a medical condition.

The Coast Guard is proposing that the 5-year medical certificate period of validity would apply to all pilots, regardless of the tonnage of the vessel they are serving on. The Coast Guard believes that this increase in the validity period would not result in a risk that compromises maritime safety, given that the proposed rule does not relax the annual examination requirement for FCPs or masters and mates serving as pilot. Instead, it is expected that the rule will support greater transparency regarding a pilot's medical fitness because it includes a new requirement that pilots must submit the results of their annual examination to the Coast Guard for review if the medical practitioner determines that they no longer meet the medical and physical standards of 46 CFR, part 10, subpart C.

Mariners who serve as pilot on vessels of less than 1,600 GRT are currently

issued 2-year medical certificates and are required to submit the physical examination results with their application for a new medical certificate every 2 years. These mariners include pilots on less than 1,600 GRT and masters or mates who serve as pilots on vessels of less than 1,600 GRT. These mariners who serve exclusively as pilot on vessels of less than 1,600 GRT are not subject to the annual physical examination requirement in § 11.709 and would not be subject to the new submission requirements in § 11.709 of this proposed rule. Under this proposed rule, pilots, masters, and mates who serve as pilot on only vessels less than 1,600 GRT would be issued 5-year medical certificates and would submit the results of a physical exam to the Coast Guard every 5 years when applying for a new medical certificate.

Even without an annual physical exam requirement, we believe allowing these mariners to have 5-year medical certificates like all other national endorsements does not pose a large risk to maritime safety by allowing them to pilot a vessel for the 5-year period. When masters or mates serve as pilot on vessels less than 1,600 GRT, it is typically a small fraction of their duties. Prior to the ''Implementation of the Amendments to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, and Changes to National Endorsements'' final rule (78 FR 77796, Dec. 24, 2013), which took effect on March 24, 2014, this same group of mariners serving as pilot on vessels less than 1,600 GRT were issued 5-year medical certificates. Masters and mates serving as pilots on vessels less than 1,600 GRT were not required to take an annual physical exam either before or after the rule mentioned above. The Coast Guard does not have data to determine whether there was a change in the number of marine incidents caused by medical issues in this group of pilots when their medical certificates were issued with 5-year validity periods.

B. 46 CFR 11.709: Annual Physical Examination Requirements for Pilots of Vessels of 1,600 GRT or More

Section 11.709 contains the requirements for pilots of vessels 1,600 GRT or more to undergo an annual physical examination. This section specifies when the annual physical examinations must be conducted, how the examination results are recorded, and how often the examination results are reported to the Coast Guard.

To ensure consistency with 46 U.S.C. 7101(e)(3), we propose to clarify the applicability of this section by including masters or mates serving as pilot on vessels of 1,600 GRT or more, under § 15.812, in the introductory text of § 11.709(b). Adding these mariners to § 11.709(b) would provide additional clarity on the applicability of the annual physical examination requirements.

Paragraph (b) of this section currently states that the examination results are to be reported to the Coast Guard every other year to coincide with the current 2-year maximum period of validity of medical certificates. Because this proposed rule would extend the pilot's medical certificate to a 5-year maximum period of validity, we also propose to remove the every-other-year form CG–719K submission requirement for pilots. This proposed rule would revise the section to state that the physical examination results must be submitted on form CG–719K to the Coast Guard every 5 years, in accordance with the medical certificate application requirements in §§ 10.301 and 10.304. In practice, pilots who meet the medical and physical standards in 46 CFR part 10 would generally be required to report the results of the annual examination to the Coast Guard only when applying for a medical certificate, every 5 years.

The Coast Guard recognizes that when medical certificates remain valid for 5 years, as opposed to 2 years, there is a higher risk that someone could have a valid medical certificate for a significant time period after developing a disqualifying medical condition. In order to reduce the risk created by extending the validity period of the medical certificate, this proposed rule would require FCPs and masters or mates who serve as pilot on vessels that are 1,600 GRT or more to submit their annual physical examination results to the Coast Guard if any of the following circumstances occur: (1) The examining medical practitioner documents that the individual does not meet the physical ability requirements described in § 10.304(c); (2) the examining medical practitioner documents that the individual has a condition that does not meet the general medical exam requirements described in § 10.304(a), the vision requirements described in § 10.305, or the hearing requirements described in § 10.306; (3) the examining medical practitioner documents that the individual is not recommended for a medical certificate or needs further review by the Coast Guard; or (4) the Coast Guard requests the results.

We propose requiring self-submission of the medical examination to the Coast Guard when these pilots do not meet the requirements for physical abilities, general medical examination, vision or hearing, or are not recommended for a medical certificate, so that the Coast Guard can further review the results of the medical exam. As part of the review, the Coast Guard may request additional information in the interest of mariner safety and full performance of the pilot's duties.

Service on vessels may be arduous and impose unique physical and medical demands on pilots. The submission requirements would support our statutory responsibility under 46 U.S.C. 7101 to ensure that pilots are physically and medically fit to pilot a vessel. The public safety risks associated with the medical and physical condition of pilots on vessels are important considerations for the safe operation of vessels and the safety and well-being of the crew. As stated in § 11.709(b), the pilot's annual physical examination would continue to be recorded on form CG–719K, which documents physical ability, medical conditions, and hearing and vision requirements. Form CG–719K also documents whether a mariner is ''not recommended,'' which could prompt a submission under the proposed requirements in § 11.709(b)(1)–(3). The annual physical examination documentation and scope are unchanged and would remain the same under this proposed rule.

Moreover, we propose to clarify that the Coast Guard can request the results of the physical examination as part of marine casualty investigations, where more frequent monitoring of a medical condition is specified in a waiver, and in other cases that prompt further review.

As stated in § 11.701(d), the Coast Guard only issues FCP endorsements for tonnages of 1,600 GRT or more. Therefore, all FCPs serving under the authority of their FCP endorsement would continue to be required to undergo the statutorily required annual physical examinations and would be subject to the proposed submission requirements in § 11.709. However, as noted previously, masters and mates serving as pilot on vessels less than 1,600 GRT would not be subject to the physical examination and proposed submission requirements in § 11.709. The Coast Guard does not have data to determine whether there was a change in the number of marine incidents caused by medical issues in masters or mates serving as pilot on vessels less than 1,600 GRT when the medical certificates were issued with 5-year validity periods.

In § 11.709, we also propose to move the text specifying that each annual physical examination must meet the

requirements in 46 CFR, part 10, subpart C, and be recorded on form CG–719K, from existing paragraph (c) into paragraph (b). We are proposing to move this requirement into paragraph (b) so that all the information on the annual physical examination requirements are in the same paragraph.

In conjunction with moving paragraph (c) into paragraph (b), this proposed rule would redesignate current § 11.709(d) as § 11.709(c), without change.

This proposed rule would add a new paragraph 11.709(d) to clarify that masters or mates serving as pilot on vessels of 1,600 GRT or more under § 15.812 may not serve on these vessels if they do not meet the annual physical examination and submission requirements specified in § 11.709(b). This new paragraph (d) would not change any of the current requirements or consequences for masters or mates serving as pilot on vessels of 1,600 GRT or more but, rather, would reiterate the annual physical examination requirements for masters or mates serving as pilot already required in § 15.812. Masters or mates serving as pilot on vessels of 1,600 GRT or more who fail to meet the physical examination requirements in § 11.709 may still operate under the authority of their master or mate endorsement, but would not be authorized to pilot a vessel of 1,600 GRT or more.

C. 46 CFR 15.401: Employment and Service Restrictions Within the Pilot Credential

This proposed rule also aligns the employment requirements in § 15.401 with the proposed 5-year maximum period of validity of medical certificates for FCPs or masters or mates serving as pilot so that it reflects the proposed change made in § 10.301(b). Section 15.401(c) states that a person may not employ an individual if that individual does not hold a valid medical certificate. This section currently lists the maximum validity period of the medical certificate as 2 years for FCPs and masters or mates serving as a pilot. This proposed rule would amend this section to say that all mariners (including pilots), where the STCW Convention does not apply, will be issued a 5-year medical certificate unless otherwise noted on the certificate.

Additionally, throughout § 15.401, this proposed rule would remove obsolete terminology referring to licenses, certificates of registry, and Merchant Mariner's Documents (MMDs). The Coast Guard ceased issuing licenses, certificates of registry, and MMDs in 2009 when we transitioned to the streamlined MMC with the Consolidation of Merchant Mariner Qualification Credentials final rule (see 74 FR 11195, March 16, 2009). All mariners now hold an MMC.

We also propose revising § 15.401(c)(1) by removing the outdated grandfathering clause, ''[a]fter January 1, 2017'', because the referenced date has passed and the section is now applicable to all medical certificates issued to individuals serving on vessels where the STCW Convention applies.

D. 46 CFR 15.812, Table 1 to § 15.812(e)(1): Masters or Mates Serving as Pilot on Vessels of 1,600 GRT or More

This proposed rule includes a correction to Table 1 to § 15.812(e)(1). Currently, § 15.812(b)(2) states the requirements for masters or mates to serve as pilot on vessels of not more than 1,600 GRT. There is no requirement in paragraph (b)(2) for these masters and mates serving on vessels less than 1,600 GRT to undergo an annual physical examination. This is consistent with § 11.709(a), which stipulates that the annual physical examination requirement only applies to individuals who pilot a vessel of 1,600 GRT or more. However, in Table 1 to § 15.812(e)(1), ''Quick Reference Table for Federal Pilotage Requirements for U.S.-Inspected, Self-Propelled Vessels, Not Sailing on Register,'' the requirement for a master or mate serving as pilot on vessels not more than 1,600 GRT to have an annual physical exam was added in error. This error was incorporated into the table with the implementation of the final rule, ''Implementation of the Amendments to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, and Changes to National Endorsements'' (78 FR 77796, Dec. 24, 2013), which took effect on March 24, 2014. We propose to remove the erroneous annual physical exam requirement in Table 1, under the third column, ''Non-designated areas of pilotage waters (between the 3-mile limit and start of traditional pilotage routes).'' This proposed removal of text would align the table with the corresponding regulatory text in section § 15.812(b)(2), as well as the applicability of the annual physical examination requirements in § 11.709(a). This correction to the table would not change the requirements for these mariners, because the Coast Guard has not required masters or mates serving as a pilot on vessels with less than 1,600 GRT to complete an annual physical examination.

VI. Regulatory Analyses

We developed this proposed rule after considering numerous statutes and Executive orders related to rulemaking. A summary of our analyses based on these statutes or Executive orders follows.

A. Regulatory Planning and Review

Executive Orders 12866 (''Regulatory Planning and Review'') and 13563 (''Improving Regulation and Regulatory Review'') direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility.

The Office of Management and Budget (OMB) has not designated this proposed rule a significant regulatory action under section 3(f) of Executive Order 12866. Accordingly, OMB has not reviewed it. A regulatory analysis follows.

Summary of Affected Population, Costs Savings, and Benefits

This proposed rule would extend the maximum period of validity of merchant mariner medical certificates issued to FCPs and masters or mates serving as pilot from 2 years to 5 years. This proposed rule would reduce the frequency of medical certification application submissions to the Coast Guard. First-class pilots and masters and mates who serve as pilot on vessels of 1,600 GRT or more would be required to submit the results of their annual physical examinations to the Coast Guard between medical certificate applications if: (1) The mariner does not meet the physical ability requirements; (2) the mariner has a condition that does not meet the medical, vision, or hearing requirements; (3) the mariner is deemed ''not recommended'' by a medical practitioner for a medical certificate; or (4) upon request by the Coast Guard.

TABLE 1—SUMMARY OF THE AFFECTED POPULATION, COST SAVINGS, AND BENEFITS FOR THIS PROPOSED RULE

Category	Summary
Applicability	Amend 46 CFR 10.301 and 15.401 to extend the maximum period of validity of merchant mariner medical certificates issued to FCPs, and masters or mates serving as pilot, from 2 years to 5 years. Amend 46 CFR 11.709 by modifying the medical certificate application submission requirement for FCPs from 2 years to 5 years, as well as masters and mates who serve as pilot on vessels of 1,600 GRT or more.
Affected Population	There are currently 3,897 mariners who hold MMC endorsements as FCP as of June 1 each year from 2010 to 2020. This number does not include masters or mates who could serve as pilot. The affected population for this proposed rule is 95 percent of that population, or 3,702 mariners (net affected population).
Benefits	Fewer medical certificate applications would reduce NMC's workload and generate cost savings to the government and to mariners. There could be unquantified benefits for some pilots due to a decrease in the likelihood of a lapse in medical certification from less frequent medical certificate application submissions. A lapse in medical certification can have significant costs for individual pilots and for employers, because pilots may not work under the authority of their credential without a valid medical certificate.
Cost savings (in $2020, 7% discount rate) *	Industry cost savings: $20,098 annualized and $146,847 over a 10-year period of analysis. Government cost savings: $15,756 annualized and $110,664 over a 10-year period of analysis. Total cost savings to industry and government: $36,664 annualized and $257,511 over a 10-year period of analysis.

* Totals may not sum due to rounding.

Affected Population

The Merchant Mariner Licensing and Documentation (MMLD) database is used by the Coast Guard's National Maritime Center (NMC) to issue MMCs and maintain records of U.S. merchant mariners. Based on data obtained from the MMLD, we determined that a total of 3,897 mariners hold MMC endorsements as FCP. This proposed rule would not impact FCPs holding medical certificates issued with waivers requiring more frequent reporting of medical examination results to the Coast Guard. Based on MMLD data, this group currently consists of 195 mariners, which is 5 percent of the total affected population of 3,897 mariners. We reduced the total population (3,897 mariners) by this number (195) to obtain a net affected population of 3,702 mariners who would be impacted by this proposed rule.

Additionally, we determined that there are 89,713 (74,827 + 14,886) mariners who hold an MMC endorsement as master or mate, without holding an FCP endorsement, who could serve as pilot. Because there is no requirement to report when a master or mate serves as pilot, we are unable to determine how many masters or mates are serving as pilot; therefore, we limited the affected population in this analysis to mariners holding FCP endorsements and holding medical certificates without time-limited medical waivers. Table 2 presents these populations.

TABLE 2—SUMMARY OF POPULATION BY ENDORSEMENT

Population	Number of mariners
Total number of mariners holding an MMC endorsement as FCP and holding a medical certificate with or without time-limited medical waivers (total potentially affected FCP population)	3,897
Those mariners holding an MMC endorsement as FCP and holding a medical certificate with time-limited medical waivers (unaffected FCP population due to waiver status resulting in no change in the period of validity of the medical certificate)	195
Those mariners holding an MMC endorsement as FCP and holding a medical certificate without time-limited medical waivers (affected FCP population due to change in the period of validity of the medical certificate)	3,702

Costs and Cost Savings

The proposed rule would reduce the frequency of mariner medical certificate applications to the Coast Guard, resulting in a cost savings to both mariners and the government. Industry cost savings would be the costs avoided by reducing the frequency with which FCPs and masters or mates serving as pilot would have to apply for a medical certificate. Subsequently, fewer applications would reduce the NMC's workload, generating cost savings for the government. The total 10-year discounted cost savings of this proposed rule would be $257,511 and the annualized total cost savings would be approximately $36,664, both discounted at 7 percent. This includes the 10-year industry and government savings of $146,847 and $110,664 respectively, discounted at 7 percent.

Turnover Rate

We did not factor mariner turnover into this analysis. ''Mariner turnover'' means the number or percentage of mariners leaving employment within a certain period of time, combined with the number or percentage of mariners obtaining employment within the same period of time. There are two reasons for not factoring in mariner turnover. First, the MMC serves as a certificate of

mariner identity, service, and qualification. In order to serve under the authority of an endorsement on an MMC, a mariner must be physically and medically qualified for that endorsement, as evidenced by holding a valid medical certificate. Medical certification is not an endorsement of qualification on an MMC, but, instead, is a separate document certifying medical and physical fitness to serve in the capacity of an endorsement listed on the MMC.

The second reason mariner turnover is not factored into this analysis is because the FCP endorsement represents a maritime qualification that can lead to permanent employment with a pilot association. This career path is highly competitive, due to the rigorous, time-consuming, and highly specialized training required. As presented in table 3, data from MMLD indicates that the number of mariners holding an FCP endorsement has declined at an annual average rate of 0.48 percent in the last 11 years. We did not include mariner turnover because the Coast Guard believes it would have had a negligible effect in assessing the costs or cost savings for this regulatory analysis. The Coast Guard requests public comment on mariner turnover and, in particular, the number or percentage of retirements by mariners regulated by this proposed rule. Depending on data received by public comment, we may reconsider our approach to considering mariner turnover for the final rule.

Industry Cost Savings

The proposed rule would amend current requirements so the results of the annual physical examinations for pilots serving on vessels of 1,600 GRT or more would be submitted to the Coast Guard on form CG–719K (medical certificate application) every 5 years instead of every 2 years, unless one of the four conditions noted previously, and listed in § 11.709(b), is applicable.[1] Although mariners would still be required to complete an annual physical examination, the cost savings to industry would include the time savings of the affected population not having to submit an application for a merchant mariner medical certificate every 2 years, either by mail or in person, after the second year of the implementation of this proposed rule.

Mariners may submit medical certificate applications either directly to the NMC via email or to a Regional Examination Center (REC) via email, fax, or mail. Additionally, applications may be submitted in person if submitted to a REC. Cost savings to industry would include the time saved by mariners by faxing, emailing, mailing, or delivering in-person the form CG–719K to the Coast Guard on a less frequent basis. According to data obtained from MMLD, 95 percent of medical certificates issued to FCPs, or 3,702 ($0.95 \times 3{,}897$), are renewed every 2 years. The remaining 5 percent are renewed annually, for those pilots with time-limited certificates due to medical waivers. Since the merchant mariner medical certificate for FCPs and masters or mates serving as pilot is only valid for 2 years under current regulations, half the total number of FCPs and masters or mates serving as pilot are currently applying for a new medical certificate each year.

Current data from MMLD indicates that 195 mariners from the affected population would not benefit directly under this proposed rule. This is the number of FCPs and masters or mates serving as pilot who have been issued medical certificates with a waiver, which require more frequent reporting of the results of their annual physical examinations to the Coast Guard. These mariners would still be required to submit the form CG–719K to the Coast Guard on an annual basis.

Growth Rate of Affected Population

We analyzed the number of endorsed FCPs who would experience a reduction in burden from only needing to submit their medical certificate applications once every 5 years, after the second year of the implementation of this proposed rule, as opposed to once every 2 years under current regulations. We then analyzed the number of endorsed FCPs to estimate a population growth rate for mariners with MMCs who would become newly endorsed as FCPs. Using 11 years of data from MMLD, from 2010 to 2020,[2] which is presented in table 3, we found that the number of endorsed FCPs is declining at an average rate of 0.48 percent per year. The highest number of endorsed FCPs was observed in 2017, while the lowest number of endorsed FCPs was observed in 2020.

We used this estimated annual average decline of 0.48 percent as a constant when forecasting the endorsed FCP population for the next 10 years. This constant rate represents the average decline experienced by FCPs throughout a 10-year period of analysis. We applied this 0.48 percent rate of decline to both the affected population in current regulations (the baseline) and the affected population in this proposed rule to determine the number of medical certificate application submissions in a given year. Table 3 presents the MMLD data used to determine the estimated annual rate of decline for the endorsed FCP population.

TABLE 3—SUMMARY OF ENDORSED FCPS

Year	Endorsed FCPs (a)	Growth rate (%) (b) $_t = [(a_t - a_{t-1})/a_{t-1}] \times 100$
2010	4,259	
2011	4,292	0.77
2012	4,262	−0.70
2013	4,237	−0.59
2014	4,200	−0.87
2015	4,171	−0.69
2016	4,219	1.15
2017	4,297	1.85
2018	4,263	−0.79
2019	4,217	−1.08
2020	4,055	−3.84
Avg	4,225	−0.48
Max	4,297	

[1] Pilots must still undergo annual physical examinations. However, those pilots who are not required to submit the results to the Coast Guard during the 5 years would simply maintain personal copies.

[2] Data for each year are complete because the data are captured and recorded each July.

TABLE 3—SUMMARY OF ENDORSED FCPS—Continued

Year	Endorsed FCPs (a)	Growth rate (%) (b) $_t = [(a_t-a_{t-1})/a_{t-1}] \times 100$
Min	4,055	

Current Baseline

Table 4 illustrates the following discussion of our baseline analysis. In order to calculate the cost savings of this rule, and to determine our baseline industry costs, we first estimated the number of endorsed FCPs who would be applying for a merchant mariner medical certificate in any given year for the next 10 years, excluding those with medical waivers. To obtain this number, we took the total number of endorsed FCPs holding a medical certificate with or without time-limited medical waivers, 3,897, as shown in table 2. We then subtracted the number of endorsed FCPs who submit medical certificate applications on an annual basis due to time-limited restrictions, 195. We obtained a population of 3,702 endorsed FCPs who will submit their medical certificate applications every 5 years under the proposed rule. We then divided this number (3,702) by 2, which is the application rate of FCPs who are issued medical certificates (1 application every 2 years) to obtain an annual estimate of 1,851 medical certificates issued (3,702 ÷ 2). However, the number of endorsed FCPs has decreased over time, at an average annual rate of 0.48 percent from 2011–2020. We incorporated this average annual rate of decline in order to obtain the expected number of endorsed FCPs in a 10-year period of analysis. Column (d) $_t$ in table 4, ''Current Regulation Medical Certificate Applications With Decline,'' captures the affected population after applying the annual average rate of decline in column (b) and the application rate in column (c) $_t$. The equation for column (d) $_t$ is represented as (d) $_t$ = (c) $_t$ + ([1 + (b)] ^{t}) for all *t,* where *t* denotes the period of time, and *t* is discrete and positive. Table 4 presents the number of medical certificate applications under the baseline analysis.

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Table 4. Baseline Analysis of FCPs Mariner Medical Certificate Applications

Year	Population (a)	Growth (b)	Current Regulation Medical Certificate Applications Not Incorporating Growth (c) $_t$ = (a) ÷ 2	Current Regulation Medical Certificate Applications With Decline (d) $_t$ = (c) $_t$ x ([1 + (b)] ^{t}) for all *t*
1	3,702	-0.48%	1,851	1,842
2			1,851	1,833
3			1,851	1,825
4			1,851	1,816
5			1,851	1,807
6			1,851	1,799
7			1,851	1,790
8			1,851	1,781
9			1,851	1,773
10			1,851	1,764
Total			18,511	18,030
Average			1,851	1,803

Proposed Regulation

Table 5 illustrates the following discussion of our methodology for estimating the number of medical certificate applications for the affected population under this proposed rule. This is similar to the previously discussed ''Current Baseline'' section. The population and the estimated rate of decline are assumed to be identical under both the baseline scenario and the proposed rule. The difference in the methodology for the proposed rule is reflected in the application frequency for FCPs. We calculated this by taking

the number of FCPs expected to submit a medical certificate application in a given year, incorporating the rate of decline, and assume that each eligible remaining FCP will only submit a medical certificate application at intervals of five years, starting in year 1. Column $(e)_t$ reflects this periodicity; FCPs who submit a medical certificate applications in year 1 would not have to submit a new medical certificate application until year 6. FCP's who submit their medical certificate application in year 2 would not have to submit their medical certificate application until year 7. After accounting for the yearly attrition projected for this analysis, values for column $(e)_t$ will be equivalent to values of column $(d)_t$ for $t = 1,2,6,7$, and 0 for any other period. This periodicity holds true for any given 10 year interval into the future.

In contrast, column $(f)_t$ reflects the reduction in medical certificate applications under our proposed rule. For any given period *t,* the reduction in medical certificate applications is calculated as the difference between FCPs who would otherwise submit a medical certificate application every other year under current regulations, column $(d)_t$, and the number of FCPs who no longer have to submit a medical certificate application during years 3,4,5,8,9,10. Hence, column $(f)_t = 0$ for $t = 1,2,6,7$, and column $(f)_t = (d)_t - (e)_t$ for any other year. Finally, column $(g)_t$ reflects the number of FCPs lost to the industry on a given year due to the projected attrition.

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Table 5: Proposed Rule Analysis of FCPs Medical Certificate Applications

Year	Population (a)	Growth (b)	Current Regulation Medical Certificate Applications Without Growth $(c)_t = (a) \div 2$	Current Rule Medical Certificate Applications With Growth $(d)_t = (c)_t \times ([1 + (b)]^t)$ for all t	New Regulation Medical Certificate Applications With Growth $(e)_t = (d)_t$ for t=1,2,6,7, and $(e)_t = 0$ otherwise	Difference in Medical Certificate Applications $(f)_t = 0$ for t=1,2,6,7, otherwise $(f)_t = (d)_t - (e)_t$	Population Change on a given year $(g)_t = d_t - d_{t-1}$
1	3,702	-0.48%	1,851	1,842	1,842	-	-
2			1,851	1,833	1,833	-	-9
3			1,851	1,825	-	1,825	-9
4			1,851	1,816	-	1,816	-9
5			1,851	1,807	-	1,807	-9
6			1,851	1,799	1,799	-	-9
7			1,851	1,790	1,790	-	-9
8			1,851	1,781	-	1,781	-9
9			1,851	1,773	-	1,773	-9
10			1,851	1,764	-	1,764	-8
Total			18,511	18,030	7,264	10,766	-78
Average			1,851	1,803	1,816	1,794	-9

Reduction in Merchant Mariner Medical Certificate Applications From Baseline to Proposed Rule

As reflected in sum of column $(f)_t$ of table 5, we project an aggregate reduction in medical certificate applications of 10,766 over a 10 years horizon following the implementation of this rule. Under the proposed regulation, on average, FCPs would not have to submit 1,794 medical certificate applications in a given year.

Medical Certificate Applications Submitted by Mail—Opportunity Cost of Time

Table 6 illustrates the analysis of cost savings to industry as discussed in the following sections. We first determine the number of FCPs who would submit a medical certificate application via mail, previously estimated by the NMC at 15% of the affected population. The number of FCPs who no longer have to submit a medical application on a given year is reflected on column $(f)_t$ of table 5. Therefore, column $(a)_t$ of table 6 is the product of reduced FCPs × 15%. We then estimated the reduction in hours under the proposed rule.

We first calculated the reduction in time-burden in a given year from FCPs who no longer have to submit a medical certificate application. The reduction in time-burden is calculated as the product of the average time per medical certificate application submitted by mail for evaluation, and the number of FCPs who no longer have to submit a medical certificate application in a given year. For the current collection of information approval for CG–719 MMC application forms, the approval estimates the total time required to fill out and submit the medical certificate application (CG–719K) by mailing to be 18 minutes. Subject matter experts holding MMCs with experience submitting a medical certificate application estimate that, on average, 13 minutes is required to fill out the application and the remaining 5 minutes is required to mail the application. Based on this data, the Coast Guard estimates the time required to submit an application by mailing at 5 minutes, or 0.083 hours (5 ÷ 60). Column $(f)_t$ in table 6 is the product of $(a)_t$ and (b). In order to calculate the government cost savings from time saved by NMC employees having fewer medical certificate application to process, we used an estimated loaded hourly wage rate of $94.03.[3] We derived the estimated wage by using the Office of Personnel Management's 2020 Salary Table for the locality adjusted general service (GS) pay scale for the Washington, DC metropolitan area. We estimated that the average hourly wage rate for a GS–13 employee is $56.57.[4] To account for employee benefits, we used a load factor of 1.66, which we calculated from the Congressional Budget Office report, ''*Comparing the Compensation of Federal and Private-Sector Employees, 2011 to 2015,*''[5] estimated as the ratio of a typical GS–13 total compensation, $74.80, found in table 4, divided by the typical hourly wage of a GS–13 employee, $45.00, found in table 2; hence, $74.80 ÷ $45.00 = 1.66. An employee at the GS–13 pay grade is assumed to be equivalent to a person who holds a master's degree. Therefore, we estimated the loaded wage rate of a GS–13 employee as the product of the wage rate and the load factor, $56.57 × 1.66 = $94.03.

We recognize that many mariners holding FCP endorsements are compensated at higher wage rates than what is published by the Bureau of Labor Statistics (BLS); however, we used the BLS Occupational Series due to the lack of official records for FCP wages and salaries. The Coast Guard requests input from industry on FCP wages and whether our wage rate should be revised.

In order to calculate the cost of time avoided by FCPs submitting fewer applications under the proposed rule, we used the loaded hourly wage rate per FCP, estimated at $64.90. We obtained the hourly wage rate of a mariner from the BLS, using Occupational Series 53–5021, Captains, Mates, and Pilots of Water Vessels (May 2020), estimated at $43.14.[6] To determine the load factor per FCP, we divided the BLS total compensation for the transportation and material moving series,[7] $32.27, by the wages and salaries for the same series, which is $21.45. We estimated the load factor as 1.50, $32.27 ÷ $21.45 = 1.50. Therefore, we calculated the loaded hourly wage rate by multiplying the hourly wage rate by the loaded factor, $43.14 × 1.50 = $64.90.

After determining the total reduction in time for FCPs not submitting medical certificates in a given year, we estimated the aggregate cost of the time for all FCPs to submit their medical certificates applications to the Coast Guard. We estimated this amount by multiplying the loaded hourly wage-rate per each endorsed FCP, $64.90, by the total annual reduction in time burden. Therefore, the cost-time burden, column $(g)_t$ of table 6 is the product of column (d) and column $(f)_t$.

Shipping Costs

Mariners may submit medical certificate applications either directly to the NMC or to a REC. Whether submitting to the NMC or a REC, applications can be submitted by email, fax, or mail. Additionally, if an application is submitted to a REC, this can be done in person.

Using data from the NMC on the submission of medical certificate applications, we estimate that approximately 39 percent of medical certificate applications are submitted directly to the NMC. Of these applications, 89 percent are submitted by email, 6 percent are submitted by fax, and 5 percent are submitted by mail. The remaining 61 percent of medical certificate applications are submitted directly to RECs, where 52 percent of the applications are submitted by email, 1 percent are submitted by fax, 22 percent are submitted by mail, and 25 percent are submitted in person.[8] Therefore, of the total medical certificate applications submitted to the Coast Guard (to both the NMC and RECs), approximately 66 percent are submitted via email, 3 percent are submitted via fax, 15 percent are submitted via mail, and 15 percent are submitted in person.[9]

We estimated the expected cost of mailing applications through the U.S. Postal Service (USPS) in any given year as the product of the total number of medical certificate applications that would be submitted under this proposed rule, the cost of mailing a letter to the Coast Guard through the USPS using a first-class letter postage stamp, 55 cents, and the percentage of endorsed FCPs expected to submit their medical certificate applications through the mail, approximately 15.4 percent. Thus, column $(h)_t$ of table 6 = $(a)_t$ × (c). Finally, the undiscounted industry cost savings, column $(i)_t$ as the sum of the cost-time burden, column $(g)_t$, and the USPS cost, column $(h)_t$.

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[3] A loaded hourly wage rate is what a company pays per hour to employ a person, not the hourly wage an employee receives. The loaded hourly wage rate includes the cost of non-wage benefits (health insurance, vacation, etc.).

[4] *https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2020/GS_h.pdf.*

[5] *https://www.cbo.gov/system/files/115th-congress-2017-2018/reports/52637-federalprivatepay.pdf.*

[6] *https://www.bls.gov/oes/2020/may/oes535021.htm* (see Mean Hourly Wage value, National estimates for this occupation box).

[7] *https://www.bls.gov/news.release/archives/ecec_03192020.pdf.* Found in Table 2.

[8] Total may not add to 100 percent due to rounding.

[9] Total may not add to 100 percent due to rounding.

Table 6. Medical Applications Mailing Costs Estimates Over a 10-year Period of Analysis in $2020

Year	Mailed Submission (a) $_t$ = Reduced FCPs x 15%	Avg. Time per form sub./hrs. (b)	Cost Per Letter Mailed (1 oz) (c)	FCP hourly wage (d)	Total Apps Received (%) (e)	Reduction in Time Burden (hrs.) (f) $_t$ = (a) $_t$ x (b)	Cost-Time Burden (g) $_t$ = (d) x (f) $_t$	USPS Costs (h) $_t$ = (a) $_t$ x (c)	Undiscounted Industry Cost Savings (i) $_t$ = (g) $_t$ + (h) $_t$	Discounted 7%	Discounted 3%
1	-	0.083	$0.55	$64.90	15%	-	-	-	-	-	-
2	-					-	-	-	-	-	-
3	280					23	$1,517	$154	$1,671	$1,364	$1,529
4	279					23	$1,509	$154	$1,663	$1,269	$1,478
5	278					23	$1,502	$153	$1,655	$1,180	$1,428
6	-					-	-	-	-	-	-
7	-					-	-	-	-	-	-
8	274					23	$1,481	$151	$1,631	$949	$1,288
9	272					23	$1,474	$150	$1,624	$883	$1,244
10	271					23	$1,467	$149	$1,616	$821	$1,202
Total	1,655					138	$8,950	$910	$9,860	$6,467	$8,169
Average	276					23	$1,492	$152	$1,643	$1,078	$1,361
Annualization										**$921**	**$958**

* Totals may not add due to rounding

Medical Certificates Applications Submitted in Person—Opportunity Cost of Time

Table 7 illustrates the analysis of cost savings to industry as discussed in the following sections. We first determine the number of FCPs who would submit a medical certificate application in person, previously estimated by NMC at 15% of the affected population. Therefore, the expected number of medical certificate applications submitted in person in a given year, column (a) $_t$ = Reduced FCPs × 15%. We assume that each eligible FCP will commute an average of 27.6 minutes in each direction [10] to submit their medical certificate application to an REC, for an average total commuting time of 55.2 minutes, column (c). We assume that FCPs who have a farther commute to the REC would submit the applications by mail or email. We also assume that FCPs will drive at an average speed of approximately 57 miles per hour (mph) based on the following calculation: From the Department of Transportation (DOT) National Traffic Speeds Survey II, Overall Speed Estimates (in MPH) by Road Class (Free-Flow) by Year, we took the mean speed of the three road classes provided: Limited access (70.5 mph), major arterial (53.28 mph), and minor arterial (47.01 mph), to obtain an average speed of 56.93 mph [(70.5 + 53.28 + 47.01) ÷ 3].[11] Considering the estimated average speed, we assume that 55.2 minutes of commuting time will be traveled in approximately 1 hour (55.2 minutes ÷ 57 miles per hour ≈ 0.97 hrs.), reflected in column (b).

In order to calculate the opportunity cost of having to commute to submit a medical certificate application to an REC on a less frequent basis, we use GSA's Privately Owned Vehicle (POV) Mileage Reimbursement Rates,[12] which is used as a proxy for the wear and tear incurred while commuting to an REC. As of January 2021, the reimbursement rate is $0.56 per mile, column (d). We then estimate the net reduction in time-burden hours if this proposed rule is implemented, reflected in column (e) $_t$.

The net reduction in time-burden is calculated as the product of the average time it would take FCPs to commute to and from an REC, column (b), and the number of FCPs that no longer have to submit a medical certificate on a given year, column (a) $_t$. Hence, column (e) $_t$ = (a) $_t$ and (b). Next we estimate the net reduction in distance (miles avoided) by FCPs who no longer have to drive to submit a medical certificate application on a given year. The net reduction in distance (miles), column (f) $_t$, is the product of the average miles avoided by FCP who would otherwise commute to and from an REC, column (c), and the aggregate time of commuting avoided by FCPs in hours. Finally, we estimate the undiscounted cost savings of FCPs who no longer have to submit a medical certificate application in person, column (g) $_t$. This column is calculated as the product of GSA's reimbursement rate, column (d), and the aggregate distance (miles) avoided by FCPs on a given year, column (e) $_t$. Hence, column (g) $_t$ = (d) × (f) $_t$.

[10] *https://www.census.gov/newsroom/press-releases/2021/one-way-travel-time-to-work-rises.html.*

[11] Table 1. Overall Speed Estimates (in MPH) by Road Class (Free-Flow) by Year, Fact Sheet, Publication No. DOT HS 811 647, August 2012 *https://safety.fhwa.dot.gov/speedmgt/data_facts/.*

[12] *https://www.gsa.gov/travel/plan-book/transportation-airfare-pov-etc/privately-owned-vehicle-pov-mileage-reimbursement-rates.*

Table 7. Opportunity Cost of Commute Avoided in Terms of Time and Reimbursement Impact

Year	In Person Submission (a) $_t$ = Reduced FCPs x 15%	Total Time Allotted for Driving to/from USCG Facilities hrs. (b)	Average Time Commuted per FCP (c)	Reimburse-ment Rate per Mile Driven (d)	Net Reduction in Time Burden (hrs.) (e) $_t$ = (a) $_t$ x (b)	Net Reduction in Time (minutes) (f) $_t$ = (c) x (e) $_t$	Undiscounted Industry Cost Savings (g) $_t$ = (d) x (f) $_t$	Discounted 7%	Discounted 3%
1	-	1.000	55.2	$0.56	-	-	-	-	-
2	-				-	-	-	-	-
3	280				280	15,481	$8,669	$7,077	$7,933
4	279				279	15,406	$8,628	$6,582	$7,666
5	278				278	15,333	$8,586	$6,122	$7,407
6	-				-	-	-	-	-
7	-				-	-	-	-	-
8	274				274	15,114	$8,464	$4,926	$6,681
9	272				272	15,041	$8,423	$4,582	$6,456
10	271				271	14,969	$8,383	$4,261	$6,238
Total	1,655				1,655	91,344	$51,152	$33,549	$42,380
Average	276				276	15,224	$8,525	$5,592	$7,063
Annualization								**$4,777**	**$4,968**

Medical Certificate Applications Submitted in Person—Opportunity Cost of Time (Compensation)

Table 8 illustrates an analysis similar to table 7, but in terms of the compensation that FCPs would have otherwise forgone in order to commute to an REC to submit a medical certificate application. Based on data provided from each REC, we determined that, on average, a mariner would require 25 minutes to arrive and enter a REC, considering security protocols, and exit the REC, column (c). It would require, on average, an additional 5 minutes of wait time to be seen by the legal instruments examiner at the customer service counter, column (d), and an additional 1 minute for the examiner to verify that the medical certificate application is complete and filled out properly, column (e). The time burden for FCPs would be no different than for any other mariner.

To quantify the savings associated to mariners not using a full hour of their time to commute to a REC, column (b), we use the FCP's loaded hourly wage rate, estimated at $64.90, column (f). The undiscounted cost savings associated to FCPs who no longer have to commute to submit a medical certificate application, column $(g)_t$ is calculated as the product of the number of reduced FCPs, column $(a)_t$, the average commuting time to and from an REC, column (b), the average time to it takes an FCP to enter and exit an REC, column (c), the average time to it takes for an FCP to be seen by legal instruments examiner at the customer service counter, column (d), and the average time it takes for the examiner to verify that the medical certificate application is complete and filled out properly, column (e). Hence, $(g)_t = (a)_t \times [(b) + (c) + (d) + (e)] \times (f)$.

Year	In Person Submission $(a)_t$ = Reduced FCPs x 15%	Avg. Commuting Time to/from RECs hrs. (b)	Avg. Time to Enter and Exit RECs hrs. (c)	Avg. Time to be Seen by legal instruments examiner at the customer service counter (d)	Avg. Time per form submission hrs. (e)	FCP hourly wage (f)	Undiscounted Industry Cost Savings $(g)_t$ = $(a)_t$ x [(b) + (c) + (d) + (e)] x (f)	Discounted 7%	Discounted 3%
1	-	1.000	0.417	0.083	0.017	$64.90	-	-	-
2	-						-	-	-
3	280						$27,605	$22,534	$25,263
4	279						$27,473	$20,959	$24,409
5	278						$27,341	$19,494	$23,585
6	-						-	-	-
7	-						-	-	-
8	274						$26,951	$15,686	$21,275
9	272						$26,822	$14,589	$20,557
10	271						$26,693	$13,569	$19,862
Total	1,655						$162,885	$106,831	$134,951
Average	276						$27,147	$17,805	$22,492
Annualization								**$15,210**	**$15,820**

Total Cost Savings to Industry

Using a 7-percent discount rate, we estimated the annualized cost savings for this proposed rule as $20,908 and the 10-year total as $146,847. We obtained this value by adding the yearly cost savings associated with the number of medical certificate applications not submitted in a given period (a) t and the number of medical certificate applications not delivered to the Coast Guard in a given period (b) t. We present these industry cost-savings amounts, discounted at 7 percent and 3 percent, in table 9.

Table 9. Total Industry Cost Savings

Year	Undiscounted Mail Submission (a) $_t$	Undiscounted In Person Submission (b) $_t$	Undiscounted Industry Savings (c) $_t$	Discounted 7%	Discounted 3%
1	-	-	-	-	-
2	-	-	-	-	-
3	$1,671	$36,274	$37,945	$30,975	$34,725
4	$1,663	$36,100	$37,763	$28,810	$33,552
5	$1,655	$35,928	$37,583	$26,796	$32,419
6	-	-	-	-	-
7	-	-	-	-	-
8	$1,631	$35,414	$37,046	$21,561	$29,244
9	$1,624	$35,245	$36,868	$20,054	$28,256
10	$1,616	$35,076	$36,692	$18,652	$27,302
Total	$9,860	$214,037	$223,897	$146,847	$185,499
Average	$1,643	$35,673	$37,316	$24,475	$30,917
Annualization				**$20,908**	**$21,746**

Government Cost Savings

Table 10 illustrates the following methodology to calculate the cost savings to the government. We first estimated the reduction in hours associated with the reduction in medical certificate application submission previously discussed. We estimated the reduction in hours as the product of the reduction in medical certificate applications and the estimated time it would take a GS–13 employee at the NMC to process an application for a mariner medical certificate. Using medical certificate application information records obtained from NMC medical evaluation staff, we estimated that the time needed to evaluate a medical certificate application is approximately 10 minutes, or 0.166 hours (10 ÷ 60 = 0.166 hours).

Using the loaded hourly wage rate of $94.03 for a GS–13 employee, we estimated that the government would save $15.98 ($94.03 × 0.17 hour) on each application it would no longer have to evaluate. The annual reduction in the number of medical certificate applications for the proposed rule is the product of the number of applications the government will no longer have to review and the hours saved by not having to review an additional medical application. Therefore, $(d)_t = (a)_t \times 0.166$ hrs. On average, the government would save 299 hours annually under the proposed rule.

Next, we estimated the total undiscounted government cost savings in a given year. We calculated this as the product of the estimated loaded hourly wage rate for a GS–13 employee, $94.03, and the yearly reduction in hours. This captures the difference in the medical certificate applications under current regulations and the proposed rule. On average, the government would save $18,444 annually under this proposed rule, discounted at 7 percent, as presented in table 10.

Table 10. Government cost savings over a 10-year period of analysis in $2020 dollars using 7- and 3-percent discount rates

Year	Reduction in Medical Certificate Applications (a) $_t$	Wage rate of a GS-13 (b)	Time per evaluation/hr. (c)	Reduction in Time Burden (hrs.) (d) $_t$ = (a) x (c)	Undiscounted Government Cost Savings (e) $_t$ = (b) x (d) $_t$	Discounted 7%	Discounted 3%
1	-	$94.03	0.17	-	-	-	-
2	-			-	-	-	-
3	1,825			304	$28,595	$23,342	$26,169
4	1,816			303	$28,459	$21,711	$25,285
5	1,807			301	$28,322	$20,193	$24,431
6	-			-	-	-	-
7	-			-	-	-	-
8	1,781			297	$27,918	$16,248	$22,038
9	1,773			295	$27,784	$15,113	$21,294
10	1,764			294	$27,651	$14,056	$20,575
Total	10,766			1,794	$168,729	$110,664	$139,792
Average	1,794			299	$28,121	$18,444	$23,299
Annualization						**$15,756**	**$16,388**

Total Estimated Cost Savings of the Proposed Rule Over a 10-Year Period of Analysis

Over a 10-year period of analysis, the total estimated cost savings of the proposed rule to mariners and the government is $257,511, discounted at 7 percent. The annualized cost savings are $36,664, also discounted at 7 percent. Table 11 presents the total cost savings of this proposed rule, which is the sum of the undiscounted industry savings, and the undiscounted government savings. Therefore, the undiscounted total cost savings is the sum of the undiscounted industry savings and the undiscounted government savings.

Table 11. Total Estimated Costs Savings of NPRM over a 10-year Period of Analysis in $2020 Using 7- Percent and 3-Percent Discount Rates

Year	Undiscounted Industry Cost Savings $(a)_t$	Undiscounted Government Cost Savings $(b)_t$	Undiscounted Total Cost Savings $(c)_t = (a)_t + (b)_t$	Discounted 7%	Discounted 3%
1	-	-	-	-	-
2	-	-	-	-	-
3	$37,945	$28,595	$66,541	$54,317	$60,894
4	$37,763	$28,459	$66,222	$50,520	$58,837
5	$37,583	$28,322	$65,905	$46,989	$56,850
6	-	-	-	-	-
7	-	-	-	-	-
8	$37,046	$27,918	$64,963	$37,809	$51,283
9	$36,868	$27,784	$64,652	$35,167	$49,551
10	$36,692	$27,651	$64,343	$32,709	$47,877
Total	$223,897	$168,729	$392,626	$257,511	$325,292
Average	$37,316	$28,121	$65,438	$42,918	$54,215
Annualization				**$36,664**	**$38,134**

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Benefits

There are quantifiable benefits to this proposed rule. However, they are the cost savings accounted for above, including savings to mariners from less frequent submissions of medical certificate applications. This would subsequently reduce the NMC's workload and generate government cost savings.

In addition, there are unquantifiable benefits for some FCPs because they would be less likely to have a lapse in a medical certification due to the less frequent submission requirement. The Coast Guard does not have data to quantify the savings this would produce for this small percentage of affected FCPs, but we are aware that it may happen. For these pilots, economic losses occur when a current medical certificate expires prior to the time that a new medical certificate is approved and issued. Such circumstances can occur if the mariner has a complex medical history that requires frequent or prolonged correspondence between the mariner's medical practitioner and the NMC. This lapse in medical certification can have significant costs for both individual pilots and for employers, because pilots cannot work under the authority of their credential without a valid medical certificate. By establishing the proposed 5-year medical certificate for pilots, instead of the current 2-year medical certificate, the likelihood of such lapses would decrease, would ensure that they do not incur additional medical exam costs, and would also be a mitigating factor against a potential loss of income.

Alternatives

When analyzing alternatives, we considered two factors: the period of validity of the medical certificate for FCPs; and the requirement to submit physical examination results to the Coast Guard. Under current regulations, the period of validity of the medical certificate is 2 years for FCPs, and the submission of physical examination results is correspondingly every other year, unless the medical certificate contains a waiver requiring more frequent submission of the physical examination results.

Alternative 1. The first alternative we considered in this analysis was retaining the *status quo,* under which FCPs would continue to apply for their medical certificates every other year. The *status quo* would also continue to require FCPs to report their physical examination results every other year, unless their medical certificate contains a waiver requiring more frequent submission. As discussed previously, we estimated the opportunity cost of retaining the status quo at $36,664, annualized at 7 percent, or an undiscounted total of $257,511 over a 10-year period of analysis. We rejected this alternative. Although there would be no additional costs to mariners or the government, there would also be no cost savings.

Alternative 2. The second alternative we considered was extending the maximum period of validity of medical certifications to 5 years without interim self-reporting requirements, which would require mariners to submit the results of their medical examination to the Coast Guard if they no longer meet the medical standards. FCPs would only submit the results of the physical examination every 5 years with a medical certificate application, unless their medical certificate contains a waiver and requires more frequent submission. We rejected this alternative. The Coast Guard finds the potential for increased risk from mariners with underlying health issues operating as FCPs, and not self-reporting medical or health conditions that may impact their

piloting performance and maritime safety, unacceptable. We made this determination after considering the unique physical and cognitive demands placed on pilots in performing their duties, and maritime casualties that were directly related to a FCP's physical ability to perform their duties. We considered casualties such as the 2003 Staten Island Ferry allision, which resulted in more than $8 million in damages and losses, and the 2007 Cosco Busan incident, which resulted in more than $70 million in environmental damages and other losses. Both casualties were directly attributed to the pilot's inability to properly manage the vessel due to underlying medical conditions that were not reported to the Coast Guard within the 5 year medical certificate validity period. The risk that mariners can develop new medical conditions within the 5 year medical certificate validity period is mitigated by the proposed self-reporting requirements. As evidenced by these maritime accidents and potential for extraordinary damages to the public, the environment, and the maritime industry, any potential benefit derived from excluding the interim self-reporting requirement on behalf of FCPs is not a risk deemed acceptable by the Coast Guard.

Alternative 3. The third alternative we considered was extending the maximum period of validity of the medical certificate to 5 years, and requiring FCPs to submit the results of their annual physical examinations to the Coast Guard between medical certificate applications if: (1) The mariner does not meet the physical ability requirements; (2) the mariner has a condition that does not meet the medical, vision, or hearing requirements; (3) the mariner is deemed ''not recommended'' by a medical practitioner for a medical certificate; or (4) upon request by the Coast Guard. With this third alternative, FCPs would apply for the medical certificates every 5 years and would only have to report the results of their medical examination between applications if any of the 4 conditions apply. This alternative mitigates the potential for increased safety risks identified under the second alternative, resulting from having mariners with underlying medical issues operating as FCPs. The potential for risk is increased when the Coast Guard does not have the opportunity to review the physical exams of mariners whose medical practitioners have diagnosed them with medical conditions that may impact their piloting performance. Therefore, the third alternative was chosen in this proposed rule.

B. Small Entities

Under the Regulatory Flexibility Act, 5 U.S.C. 601–612, we have considered whether this proposed rule would have a significant economic impact on a substantial number of small entities. 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.

This proposed rule would reduce the burden on industry by extending the maximum period of validity of merchant mariner medical certificates for FCPs, and masters and mates serving as pilot, from 2 years to 5 years. Since the medical certificate is in the mariner's name and not an entity's, the affected mariners would receive the cost savings from this proposed rule. Hence, the changes in this proposed rule would affect individuals, not businesses or other small entities as defined by the Small Business Administration in 13 CFR 121.201.

Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities. If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this proposed rule would have a significant economic impact on it, please submit a comment to the docket at the address listed in the **ADDRESSES** section of this preamble. In your comment, explain why you think it qualifies and how and to what degree this proposed rule would economically affect it.

C. Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996, Public Law 104–121, we want to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. If the proposed 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 in the **FOR FURTHER INFORMATION CONTACT** section of this proposed rule. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

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).

D. Collection of Information

The Coast Guard has determined that this proposed rule would call for a change to an existing collection of information under the Paperwork Reduction Act of 1995, 44 U.S.C. 3501 3520. As defined in 5 CFR 1320.3(c), ''collection of information'' comprises reporting, recordkeeping, monitoring, posting, labeling, and other similar actions. The title and description of the information collections, a description of those who must collect the information, and an estimate of the total annual burden follow. The estimate covers the time for reviewing instructions, searching existing sources of data, gathering and maintaining the data needed, and completing and reviewing the collection.

The information collection associated with this proposed rule is the currently approved collection OMB Control No. 1625–0040 (Application for Merchant Mariner Credential (MMC), Application for Merchant Mariner Medical Certificate, Applications for Merchant Mariner Medical Certificate for Entry Level Ratings, Small Vessel Sea Service Form, DOT/USCG Periodic Drug Testing Form, Disclosure Statement for Narcotics, DWI/DUI, and/or Other Convictions, Merchant Mariner Medical Certificates, Recognition of Foreign Certificate), which covers all information collected for merchant mariner credentialing. The proposed revisions to 46 CFR 10.301 and 15.401 would extend the maximum validity period of the mariner medical certificate for FCPs and masters or mates serving as pilot from 2 years to 5 years. The proposed change to the maximum validity period of the medical certificate for pilots would reduce the frequency and burden of response estimates of the current information collection request.

Title: Application for Merchant Mariner Credential (MMC), Application for Medical Certificate, Application for Medical Certificate—Short Form, Small Vessel Sea Service (Optional) Form, DOT/USCG Periodic Drug Testing (Optional) Form, and Disclosure

Statement for Narcotics, Driving while intoxicated (DWI)/Driving under the influence (DUI), and/or Other Convictions (Optional) Form.

OMB Control Number: 1625–0040.

Summary of the Collection of Information: The Coast Guard currently collects information from merchant mariners with their applications for MMCs and merchant mariner medical certificates. This collection includes the following information requests: Signature of applicant and supplementary material required to show that the mariner meets the mandatory requirements for the credential or medical certificate sought; proof of applicant passing all applicable vision, hearing, medical, and/or physical exams; negative chemical test for dangerous drugs; discharges or other documentary evidence of sea service indicating the name, tonnage, propulsion mode and power of the vessels, dates of service, capacity in which the applicant served, and on what waters; and disclosure documentation for narcotics, DWI/DUI, and/or other convictions.

Need for Information: Title 46 United States Code (U.S.C.) Subtitle II, Part E, Title 46 Code of Federal Regulation CFR part 10, subpart B, and International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended and the STCW Code, including the STCW final rule (Docket No. USCG–2004–17914) published on December 24, 2013, require MMC and medical certificate applicants to apply at one of the Coast Guard's 17 RECs located nationwide or any other location designated by the Coast Guard. MMCs are established for individuals who are required to hold a credential under Subtitle II. The Coast Guard has the responsibility of issuing MMCs and medical certificates to applicants found qualified as to age, character, and habits of life, experience, professional qualifications, and physical fitness. The instruments contained within OMB Control No. 1625–0040 serve as a means for the applicant to apply for an MMC and a medical certificate.

Proposed Use of Information: The Coast Guard conducts this collection of information solely for the purposes of determining eligibility for issuance of an MMC or medical certificate, in accordance with applicable statutes and regulations. This evaluation is performed on occasion, meaning as submitted by the respondent when he or she applies for an MMC or medical certificate. In general, applicants for an MMC must submit the CG–719–B every 5 years for renewal or when seeking a new endorsement or raise of grade, and applicants for a medical certificate must submit the CG–719K every 2 years or every 5 years, depending upon the type of credential or endorsements held and the applicant's medical status. The Coast Guard evaluates the collected information to determine whether applicants are qualified to serve under the authority of the requested credential with respect to their medical fitness, their professional qualifications, and their safety and suitability.

Description of the Respondents: All applicants for an MMC, whether original, renewal, duplicate, raise of grade, or a new endorsement on a previously issued MMC, are included in this collection. Applicants for medical certificates include mariners with MMC National, STCW, and pilot endorsements. The proposed change to the maximum validity period of the merchant mariner medical certificate from 2 years to 5 years applies only to FCPs and masters or mates serving as pilot.

Number of Respondents: This proposed rule would reduce the annual number of respondents by 7,324 over a 10-year period of analysis. As a result, the total annual respondents for this collection would change from 18,316 to 10,992.

Frequency of Response: For FCP endorsements, the annual average reduction would be 1,794. The responses are annual and would result in a reduction in the number of medical certificate submissions of the form CG–719–K from 54,800 to 44,034 (54,800 − 10,766 = 44,034).

Burden of Response: The total hourly burden per response was estimated at 18 minutes, or 0.30 hours. This proposed rule would reduce the aggregate burden of hours associated with the submission of the medical certification applications by extending the renewal period from every 2 years to every 5 years. Therefore, the total annual response time for submitting a new medical certificate would decrease by approximately 3,587 hours (138 hrs. via mail submissions + 1,654 hrs. in person submissions + 1,794 government hrs. review). However, the hourly burden per response would remain unchanged.

Estimate of Total Annual Burden: The Coast Guard estimates that the total annual burden with the proposed change to the medical certificate validity period for FCPs would be 16,286 hours a year, which is a 154-hour reduction in burden from the current corresponding collection total of 16,440 hours.

As required by 44 U.S.C. 3507(d), we will submit a copy of this proposed rule to OMB for its review of the collection of information. We ask for public comment on the proposed collection of information to help us determine, among other things—

- How useful the information is;
- Whether the information can help us perform our functions better;
- How we can improve the quality, usefulness, and clarity of the information;
- Whether the information is readily available elsewhere;
- How accurate our estimate is of the burden of collection;
- How valid our methods are for determining the burden of collection; and
- How we can minimize the burden of collection.

If you submit comments on the collection of information, submit them to both the OMB and to the docket where indicated under **ADDRESSES**.

You need not respond to a collection of information unless it displays a currently valid control number from OMB. Before the Coast Guard could enforce the collection of information requirements in this proposed rule, OMB would need to approve the Coast Guard's request to collect this information.

E. Federalism

A rule has implications for federalism under Executive Order 13132 (Federalism) if it has a substantial direct effect on 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 proposed rule under Executive Order 13132 and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132. Our analysis follows.

It is well settled that States may not regulate in categories reserved for regulation by the Coast Guard. It is also well settled that all of the categories covered in 46 U.S.C. 7101, and 8101 (personnel qualification and manning of vessels), as well as the reporting of casualties and any other category in which Congress intended the Coast Guard to be the sole source of a vessel's obligations, are within the field foreclosed from regulation by the States. *See* the Supreme Court's decision in *United States* v. *Locke,* 529 U.S. 89, 120 S.Ct. 1135 (2000) (finding that the states are foreclosed from regulating tanker vessels). *See also Ray* v. *Atlantic Richfield Co.,* 435 U.S. 151, 157 (1978) (state regulation is preempted where

''the scheme of federal regulation may be so pervasive as to make reasonable the inference that Congress left no room for the States to supplement it [or where] the Act of Congress may touch a field in which the federal interest is so dominant that the federal system will be assumed to preclude enforcement of state laws on the same subject.'' (citations omitted)). Because this proposed rule involves the credentialing of mariners under 46 U.S.C. 7101, it relates to personnel qualifications and, as a result, is foreclosed from regulation by the States. Therefore, because the States may not regulate within these categories, this rule is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

While it is well settled that States may not regulate in categories in which Congress intended the Coast Guard to be the sole source of a vessel's obligations, the Coast Guard recognizes the key role that State and local governments may have in making regulatory determinations. Additionally, for rules with federalism implications and preemptive effect, Executive Order 13132 specifically directs agencies to consult with State and local governments during the rulemaking process. If you believe this proposed rule would have implications for federalism under Executive Order 13132, please call or email the person listed in the **FOR FURTHER INFORMATION** section of this preamble.

F. Unfunded Mandates

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 million (adjusted for inflation) or more in any one year. Although this proposed rule would not result in such an expenditure, we do discuss the effects of this proposed rule elsewhere in this preamble.

G. Taking of Private Property

This proposed rule would not cause a taking of private property or otherwise have taking implications under Executive Order 12630 (Governmental Actions and Interference with Constitutionally Protected Property Rights).

H. Civil Justice Reform

This proposed rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, (Civil Justice Reform), to minimize litigation, eliminate ambiguity, and reduce burden.

I. Protection of Children

We have analyzed this proposed rule under Executive Order 13045 (Protection of Children from Environmental Health Risks and Safety Risks). This proposed rule is not an economically significant rule and would not create an environmental risk to health or risk to safety that might disproportionately affect children.

J. Indian Tribal Governments

This proposed rule does not have tribal implications under Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments), because it would 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.

K. Energy Effects

We have analyzed this proposed rule under Executive Order 13211 (Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use). We have determined that it is not a ''significant energy action'' under that order because it is not a ''significant regulatory action'' under Executive Order 12866 and would not have any adverse effect on the supply, distribution, or use of energy.

L. Technical Standards

The National Technology Transfer and Advancement Act, codified as a note to 15 U.S.C. 272, directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through OMB, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.,* specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This proposed rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

M. Environment

We have analyzed this proposed rule under Department of Homeland Security Management Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. A preliminary Record of Environmental Consideration (REC) supporting this determination is available in the docket where indicated under the **ADDRESSES** section of this preamble.

This proposed rule appears to meet the criteria for categorical exclusion (CATEX) under paragraphs L56 and L54 in Table 3–1 of U.S. Coast Guard Environmental Planning Implementing Procedures (April 2019), which is available in the docket at *www.regulations.gov.* Paragraph L56 pertains to regulations concerning the training, qualifying, licensing, and disciplining of maritime personnel. Paragraph L54 pertains to regulations which are editorial or procedural. This proposed rule involves amending the maximum period of validity of merchant mariner medical certificates from 2 years to 5 years for FCPs and masters or mates serving as pilot on vessels of 1,600 GRT or more. Additionally, the proposed rule includes an extension of the annual physical examination submission requirement from every other year to every 5 years, as long as circumstances do not require more frequent submissions of annual physical examination results to ensure maritime and public safety. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

List of Subjects

46 CFR Part 10

Penalties, Personally identifiable information, Reporting and recordkeeping requirements, Seamen.

46 CFR Part 11

Penalties, Reporting and recordkeeping requirements, Schools, Seamen.

46 CFR Part 15

Reporting and recordkeeping requirements, Seamen, Vessels.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 46 CFR parts 10, 11, and 15 as follows:

PART 10—MERCHANT MARINER CREDENTIAL

■ 1. The authority citation for part 10 is revised to read as follows:

Authority: 14 U.S.C. 503; 31 U.S.C. 9701; 46 U.S.C. 2101, 2103, 2110; 46 U.S.C. chapter 71; 46 U.S.C. chapter 73; 46 U.S.C. chapter 75; 46 U.S.C. 2104; 46 U.S.C. 7701, 8903, 8904, and 70105; Executive Order 10173; Department of Homeland Security Delegation No. 00170.1, Revision No. 01.2.

§ 10.301 [Amended]

■ 2. In § 10.301, remove paragraph (b)(2) and redesignate paragraphs (b)(3) and (b)(4) as paragraphs (b)(2) and (b)(3), respectively.

PART 11—REQUIREMENTS FOR OFFICER ENDORSEMENTS

■ 3. The authority citation for part 11 is revised to read as follows:

Authority: 14 U.S.C. 503; 31 U.S.C. 9701; 46 U.S.C. 2101, 2103, and 2110; 46 U.S.C. chapter 71; 46 U.S.C. 7502, 7505, 7701, 8906, and 70105; Executive Order 10173; Department of Homeland Security Delegation No. 00170.1, Revision No. 01.2. Section 11.107 is also issued under the authority of 44 U.S.C. 3507.

■ 4. Amend § 11.709 by:
■ a. Removing paragraph (c);
■ b. Redesignating paragraph (d) as paragraph (c);
■ c. Adding paragraphs (b)(1) through (b)(4);
■ d. Adding paragraph (d); and
■ e. Revising paragraph (b) introductory text.

The revisions and additions read as follows:

§ 11.709 Annual physical examination requirements.

* * * * *

(b) Every person holding an MMC endorsement as first-class pilot, or a master or mate serving as a pilot under § 15.812, must have a thorough physical examination each year. This annual physical examination must be completed by the first day of the month following the anniversary of the individual's most recently completed Coast Guard-required physical examination. Each annual physical examination must meet the requirements specified in 46 CFR, part 10, subpart C, and be recorded on the form CG–719K. Every five years, in accordance with the medical certificate requirements in 10.301(b), 10.302(a), and 10.304(d) of this chapter, the results of the most recent physical examination must be submitted to the Coast Guard. The results of the physical examination must also be submitted to the Coast Guard no later than 30 calendar days after completion of the physical examination in any of the following circumstances:

(1) The examining medical practitioner documents that the individual does not meet the physical ability requirements as set forth in § 10.304(c);

(2) the examining medical practitioner documents that the individual has a condition that does not meet the general medical exam requirements described in § 10.304(a), the vision requirements described in § 10.305, or the hearing requirements described in § 10.306;

(3) the examining medical practitioner documents that the individual is not recommended for a medical certificate or needs further review by the Coast Guard as set forth in § 10.301(a); or

(4) the Coast Guard requests the results.

* * * * *

(d) A master or mate may not serve as a pilot on a vessel 1,600 GRT or more under § 15.812 if the person does not meet the physical examination requirements provided in paragraph (b) of this section.

PART 15—MANNING REQUIREMENTS

■ 5. The authority citation for part 15 is revised to read as follows:

Authority: 46 U.S.C. 2101, 2103, 3306, 3703, 8101, 8102, 8103, 8104, 8105, 8301, 8304, 8502, 8503, 8701, 8702, 8901, 8902, 8903, 8904, 8905(b), 8906 and 9102; sec. 617, Pub. L. 111–281, 124 Stat. 2905; and Department of Homeland Security Delegation No. 00170.1, Revision No. 01.2.

§ 15.401 [Amended]

■ 6. Amend § 15.401 by:
■ a. In paragraph (a), remove in the first sentence the words, ''license, certificate of registry, Merchant Mariner's Document (MMD),'' and remove from the second sentence the words ''license, certificate of registry, MMD, or'';
■ b. In paragraph (c)(1), remove the words ''After January 1, 2017, two'' and add, in its place the words, ''Two'';
■ c. Remove paragraph (c)(2) and redesignate paragraph (c)(3) as paragraph (c)(2); and
■ d. In paragraphs (d) and (e), remove wherever it appears the words ''MMD or''.

■ 7. In § 15.812, in Table 1 to § 15.812(e)(1), revise the second row, which starts with ''Inspected self-propelled vessels not more than 1,600 GRT, authorized by their COI to proceed beyond the Boundary Line, or operating on the Great Lakes'', to read as follows:

§ 15.812 Pilots.

* * * * *

TABLE 1 TO § 15.812(e)(1)—QUICK REFERENCE TABLE FOR FEDERAL PILOTAGE REQUIREMENTS FOR U.S.-INSPECTED, SELF-PROPELLED VESSELS, NOT SAILING ON REGISTER

	Designated areas of pilotage waters (routes for which First-Class Pilot's licenses or MMC officer endorsements are issued)	Non-designated areas of pilotage waters (between the 3-mile line and the start of traditional pilotage routes)
* *	* * *	* *
Inspected self-propelled vessels not more than 1,600 GRT, authorized by their COI to proceed beyond the Boundary Line, or operating on the Great Lakes.	First-Class Pilot, *or* Master or Mate may serve as pilot if he or she— 1. Is at least 21 years old; 2. Maintains current knowledge of the waters to be navigated; and [1] 3. Has four roundtrips over the route.[2]	Master or Mate may serve as pilot if he or she— 1. Is at least 21 years old; and 2. Maintains current knowledge of the waters to be navigated.[1]
* *	* * *	* *

* * * * *

Dated: August 13, 2021.

J.W. Mauger,

Rear Admiral, U.S. Coast Guard, Assistant Commandant for Prevention Policy.

[FR Doc. 2021–17806 Filed 8–26–21; 8:45 am]

BILLING CODE 9110–04–P

Notices

Federal Register
Vol. 86, No. 164
Friday, August 27, 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 24, 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 27, 2021 will be considered. Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Foreign Agricultural Service

Title: Specialty Sugar Certificate Application.

OMB Control Number: 0551–0025.

Summary of Collection: The collect of information is necessary to fulfill the legal obligations of the regulation at 15 CFR 2011 subpart B to issue specialty sugar certificates, letters to importers signed by the Foreign Agricultural Service (FAS) Certifying Authority, and ensuring that U.S. importers comply with the program's requirements. The regulation sets forth the terms and conditions under which the Certifying Authority in FAS issues certificates to importers allowing them to enter specialty sugars under the tariff-rate quota (TRQ) for refined sugar.

Need and Use of the Information: The collected information will be used to: (1) Determine whether applicants for the program meet the regulation's eligibility criteria; (2) ensure that sugar to be imported is specialty sugar and meets the requirements of the regulation; (3) audit participants' compliance with the regulation; and (4) prevent entry of world-priced program sugar from entering the domestic commercial market instead of domestic specialty sugar market. The Certifying Authority needs the information to manage, plan, evaluate, and account for program activities. Less frequent collection or no collection would impede administration of the specialty sugar certificate program and reduce or eliminate imports essential to U.S. organic food and beverages processors.

Description of Respondents: Business or other for-profit.

Number of Respondents: 45.

Frequency of Responses: Reporting: Annually.

Total Burden Hours: 90.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2021–18504 Filed 8–26–21; 8:45 am]

BILLING CODE 3410–10–P

DEPARTMENT OF AGRICULTURE

Office of the Chief Financial Officer

Notice of Request for Revision to and Extension of a Currently Approved Information Collection

AGENCY: National Finance Center (NFC), Department of Agriculture.

ACTION: Revision to and extension of approval of an information collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces NFC's intention to request a revision to and extension of an approved information collection for the Direct Premium Remittance System (DPRS), Form DPRS–2809, Request to Change FEHB Enrollment.

DATES: Comments on this notice must be received by October 26, 2021 to be assured of consideration.

ADDRESSES: NFC invites interested persons to submit comments on this notice. Comments may be submitted by the following method:

Federal eRulemaking Portal: This website provides the ability to type short comments directly into the comment field on this web page or attach a file for lengthier comments. Go to *http://www.regulations.gov.* Follow the on-line instructions at that site for submitting comments. Instructions: All items submitted by mail or electronic mail must include the Agency name, USDA, NFC, DPRS Billing Unit, P.O. Box 61760, New Orleans, Louisiana 70161. Comments received in response to this docket will be made available for public inspection and posted without change, including any personal information, to *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: A copy of this information collection, with applicable supporting documentation, may be obtained by contacting Michael Schleifstein, Chief, Government Insurance Services Branch, USDA, NFC, DPRS Billing Unit, P.O. Box 61760, New Orleans, Louisiana 70161–1760; telephone: 504–426–7161; telefax 303–235–7410; or email to *nfc.dprs@nfc.usda.gov.*

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995 (44 United States Code chapter 35), this notice announces

the intention of NFC to request a revision to and extension of an approved information collection for the Request to Change Federal Employees Health Benefit (FEHB) Enrollment.

Title: DPRS–2809, Request to Change FEHB Enrollment.

Office of Management and Budget (OMB) Number: 0505–0024.

Expiration Date of Approval: October 31, 2021.

Type of Request: Revision and extension of a currently approved information collection.

Abstract: The DPRS–2809, Request to Change FEHB Enrollment, is for Spouse Equity Act/Temporary Continuation of Coverage (TCC) enrollees and direct pay annuitants who are eligible to elect, cancel, or change health benefits enrollment during the open season each year.

Estimated of Burden: Public reporting burden for this collection of information is estimated to average 45 minutes per response.

Respondents: Individuals who are under the Spouse Equity Act/TCC and direct pay annuitants who are eligible to make the FEHB plan changes during open season.

Estimated Number of Respondents: 45,000.

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 33,750.

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (2) the accuracy of the Agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Interested persons are invited to submit written comments on the proposed information collection. Comments may be sent to DPRS via email to *nfc.dprs@nfc.usda.gov.* All comments received will be available for public inspection during regular business hours at the same address.

All responses to this notice will be summarized and included in the request for the OMB's approval. All comments will become a matter of public record.

Anita R. Adkins,

Acting Director, National Finance Center.

[FR Doc. 2021–18470 Filed 8–26–21; 8:45 am]

BILLING CODE 3410–KS–P

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. FSIS–2021–0019]

National Advisory Committee on Meat and Poultry Inspection

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notification of public meeting.

SUMMARY: Pursuant to the provisions of the rules and regulations of the Department of Agriculture and the Federal Advisory Committee Act (FACA), the Food Safety and Inspection Service (FSIS) is announcing a virtual meeting of the National Advisory Committee on Meat and Poultry Inspection (NACMPI). The purpose of the Committee is to provide advice to the Secretary of Agriculture concerning State and Federal programs with respect to meat, poultry and processed egg products inspection, food safety, and other matters that fall within the scope of the Federal Meat Inspection Act (FMIA), and the Poultry Products Inspection Act (PPIA). The committee will convene virtually on September 27 and 28, 2021, in a public meeting where FSIS will present two sets of charges to the Committee: (1) To consider how FSIS should clarify the Agency's positions on the custom and retail exemptions to ensure that meat, poultry, and egg products produced under the exemptions are safe, wholesome, and correctly labeled and packaged and (2) to consider actions FSIS should take to prevent and reduce illnesses associated with the handling or consumption of frozen, raw, stuffed not ready-to-eat (NRTE) poultry products, which may be breaded and par-fried and may appear ready-to-eat (RTE) to consumers.

DATES: The virtual public meeting is scheduled for September 27 and 28, 2021. NACMPI will meet from 1:00 p.m. to 3:00 p.m. EST on September 23, 2021 for administrative purposes. This portion of the meeting is not open to the public. The public meeting is from 10 a.m. to 5 p.m. EST on September 27 and September 28, 2021.

ADDRESSES: The meeting is virtual and will be viewable via a link provided by email when you register for the meeting. Attendees should pre-register for the meeting. See the pre-registration instructions under ''Registration and Meeting Materials.''

Public Comments: FSIS invites interested persons to submit comments on this meeting by September 24, 2021. Comments may be submitted by any of the following methods:

- *Federal eRulemaking Portal:* This website provides the ability to type short comments directly into the comment field on this web page or 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, Jamie L. Whitten Building, Room 350–E, Washington, DC 20250–3700.

Instructions: All items submitted by mail or electronic mail must include the Agency name and docket number FSIS–2021–0019. 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: Valeria Green, Director, Resource and Administrative Management Staff, Office of Policy and Program Development, Telephone: (301) 504–0846 Email: *valeria.green@usda.gov,* regarding specific questions about the Committee or this meeting. General information about the Committee can also be found at: *https://www.fsis.usda.gov/nacmpi.* For the hearing impaired, contact the Federal Information Relay Service: *https://www.federalrelay.us/* or 800–877–0996 (Voice, TTY, ASCII or Spanish).

SUPPLEMENTARY INFORMATION:

Background

The NACMPI was established in 1971 and is authorized under section 301(a)(4) of the Federal Meat Inspection Act (FMIA) (21 U.S.C. 661(a)(4)) to carry out the responsibilities imposed by sections 7(c), 24, 205, 301(a)(3), and 301(c) of the FMIA (21 U.S.C. 607(c), 624, 645, 661(a)(3), and 661(c)), and authorized under section 5(s)(4) of the

Poultry Products Inspection Act (PPIA) (21 U.S.C. 454(a)(4) to carry out the responsibilities imposed by sections 5(a)(3), 5(c), 8(b), and 11(e) of the PPIA (21 U.S.C. 454(a)(3), 454(c), 457(b), and 460(e)). The purpose of the Committee is to provide advice to the Secretary concerning meat and poultry inspection; food safety; and other matters that fall within the scope of the FMIA and PPIA. The current charter and other information about NACMPI can be found at *https://www.fsis.usda.gov/policy/advisory-committees/national-advisory-committee-meat-and-poultry-inspection-nacmpi.* Membership of NACMPI is drawn from representatives of consumer groups; producers; processors; and representatives from the meat, poultry, and egg products industries; State and local government officials; and academia.

On September 27 and 28, 2021, NACMPI will review and discuss the following two topics. First, FSIS is seeking recommendations to clarify the Agency's positions on the custom and retail exemptions to ensure that meat, poultry, and egg products produced under the exemptions are safe, wholesome, and correctly labeled and packaged. The FMIA and the PPIA prohibit the slaughter of livestock or poultry or preparation of meat or poultry products for commerce without inspection, if such products are intended for use as human food, with specific exemptions. One such exemption, is the custom exemption at 21 U.S.C. 623(a) and 464(c)(1)(B), which allows facilities to operate without Federal inspection if they slaughter and process livestock for the exclusive private use of the owner of the livestock, members of the owner's household, or the owner's nonpaying guests or employees. Custom operators must return all product derived from exempt animals to the original owner. Another exemption is the retail exemption at 21 U.S.C. 661(c)(2) and 464(a), which exempts from routine Federal inspection operations of types traditionally and usually conducted at retail stores, restaurants, and restaurant central kitchen facilities. FSIS is seeking recommendations to clarify the Agency's positions on the custom and retail exemptions to ensure that meat, poultry, and egg products produced under the exemptions are safe, wholesome, and correctly labeled and packaged.

FSIS will ask the committee to consider the following:

Custom Exemption

1. Should FSIS conduct rulemaking to set a numerical limit on the number of individuals allowed to co-own an animal presented for slaughter/processing under the custom exemption provision (*e.g.,* limiting to four the number of individuals allowed to co-own a market hog presented for slaughter)? If so, what factors should the Agency consider, if any, to determine the limits for different amenable species?

2. Should FSIS conduct rulemaking to clarify that collectively-owned membership organizations or other firms (*e.g.,* a group of individuals residing across disparate locations organized into a ''livestock ownership co-op'' via an online platform) cannot ''own'' animals for purposes of the custom exemption?

3. Should FSIS conduct rulemaking to clarify that custom operators should maintain records that demonstrate an exact correspondence between the individuals owning a particular animal prior to slaughter and the individuals receiving any part of the products derived from that animal?

Retail Exemption

1. Should 3rd parties (*e.g.,* independent contractors or delivery services) be permitted to prepare meat and poultry received from restaurant and retail operations for delivery to consumers without Federal inspection being required for the retail or restaurant operation? And if so, what types of preparation should be allowed? Examples of preparation might include warming up, defrosting, assembly of meals, cutting, or packing.

2. Should such 3rd party arrangements be allowed only in institutional settings (*e.g.,* school cafeterias, hospitals, nursing homes, or prisons)?

3. Should FSIS conduct rulemaking to clarify what types of preparation are allowed, and in what settings, when 3rd parties are permitted to prepare meat and poultry received from retail and restaurant operations for delivery to consumers without Federal inspection?

Second, FSIS will ask NACMPI what actions should be taken to prevent and reduce illnesses associated with the handling or consumption of frozen, raw, stuffed NRTE poultry products, which may be breaded and par-fried and may appear RTE to consumers. Between FY 2010 and FY 2019 FSIS investigated 51 outbreaks associated with NRTE poultry. Among those, eight outbreaks may have been associated with products that appear RTE to the consumer. These frozen, raw, stuffed NRTE chicken products, which may be breaded and par-fried and may appear RTE to consumers, had labeling identifying that the product was raw and included cooking instructions for preparation. Additionally, in June 2021, there is an open multistate *Salmonella* Enteritidis illness outbreak possibly associated with frozen, raw, breaded stuffed chicken products with 27 cases from eight states.

FSIS will ask the committee to consider the following:

1. Given FSIS' consumer research findings [1] and an open multistate *Salmonella* Enteritidis illness outbreak, should FSIS re-verify that companies continue to voluntarily label these products as raw in several places on the label and include validated cooking instructions?

2. What, if any, actions can FSIS take to prevent and reduce illnesses associated with the handling or consumption of these NRTE products? For example, should FSIS:

a. Conduct exploratory sampling for pathogens and/or indicator organisms in these and other similar raw, stuffed or non-stuffed partially processed products?

b. Require establishments to apply a lethality treatment to ensure that all products are RTE?

c. Sample these products for *Salmonella* because consumers customarily undercook them?

d. Require establishments that produce these products to reassess their HACCP plans, in light of outbreak data?

e. Conduct targeted consumer outreach? If so, please provide some ideas on the best approaches.

FSIS will present the two issues described above to the full Committee. The Committee will then divide into two subcommittees to discuss the issues. Each subcommittee will provide a report of their comments and recommendations to the full Committee before the meeting concludes on Thursday, September 28, 2021. An agenda will be published online before the public meeting. FSIS will finalize the agenda on or before the meeting dates and post it on the FSIS website at: *https://www.fsis.usda.gov/news-events/events-meetings.*

Registration and Meeting Materials

There is no fee to register for the public meeting, but pre-registration is mandatory for participants attending. All attendees must register online at *https://www.fsis.usda.gov/news-events/events-meetings.*

[1] *https://www.fsis.usda.gov/sites/default/files/media_file/2021-04/fscrp-yr3-nrte-final-report.pdf.*

Public Comments and Participation in Meetings

Stakeholders will have an opportunity to provide oral comments during the public meeting. Stakeholders must notify FSIS during registration of their wish to speak at the meeting. Stakeholders who do not notify FSIS during registration of their wish to speak will not have the opportunity to comment on the day of the public meeting. Due to the anticipated high level of interest in the opportunity to make public comments and the limited time available to do so, FSIS will do its best to accommodate all persons who registered and requested to provide oral comments and will limit all speakers to three minutes. FSIS encourages persons and groups who have similar interests to consolidate their information for presentation by a single representative.

Transcripts

As soon as the meeting transcripts are available, they will be accessible on the FSIS website at: *https://www.fsis.usda.gov/policy/advisory-committees/national-advisory-committee-meat-and-poultry-inspection-nacmpi.* The transcripts may also be viewed at the FSIS Docket Room at the address listed above.

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

Dated: August 24, 2021.

Cikena Reid,

Committee Management Officer.

[FR Doc. 2021–18523 Filed 8–26–21; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF AGRICULTURE

Forest Service

Daniel Boone Resource Advisory Committee

AGENCY: Forest Service, Agriculture (USDA).

ACTION: Notice of meeting.

SUMMARY: The Daniel Boone Resource Advisory Committee (RAC) will hold a virtual meeting by phone and/or video conference. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with Title II of the Act as well as make recommendations on recreation fee proposals for sites on the Daniel Boone National Forest, consistent with the Federal Lands Recreation Enhancement Act (FLREA). RAC information and virtual meeting information can be found at the following website: *https://www.fs.usda.gov/main/dbnf/workingtogether/advisorycommittees.*

DATES: The meeting will be held on September 29, 2021 at 6:00 p.m., Eastern Daylight Time.

All RAC meetings are subject to cancellation. For status of the meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

ADDRESSES: The meeting will be held virtually via Microsoft Teams with the option to call-in via telephone at 1–202–650–0123, Phone Conference ID: 257 681 874#.

Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION**. All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received upon request.

FOR FURTHER INFORMATION CONTACT: Tim Eling, Designated Federal Officer (DFO), by phone at 859–408–5258 or via email at *timothy.eling@usda.gov.*

Individuals who use telecommunication devices for the hearing-impaired (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339, 24 hours per day, every day of the year, including holidays.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to:

1. Approve previous meeting minutes;
2. Review FLREA fee proposals for initiating new fees or increasing fees in recreation areas on the Daniel Boone National Forest;
3. Receive public input; and
4. Recommend FLREA fee proposals for approval.

The meeting is open to the public. The agenda will include time for people

to make oral statements of three minutes or less. Individuals wishing to make an oral statement should request in writing by September 17, 2021, to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meeting. Written comments and requests for time for oral comments must be sent to Tim Eling, Designated Federal Officer, Forest Supervisor's Office, 1700 Bypass Road, Winchester, KY 40391 or by email to *timothy.eling@usda.gov.*

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices, or other reasonable accommodation. For access to the facility or proceedings, please contact the person listed in the section titled **FOR FURTHER INFORMATION CONTACT**. All reasonable accommodation requests are managed on a case-by-case basis.

Dated: August 23, 2021.

Cikena Reid,

USDA Committee Management Officer.

[FR Doc. 2021–18471 Filed 8–26–21; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Forest Service

Northern Utah Resource Advisory Committee

AGENCY: Forest Service, Agriculture (USDA).

ACTION: Notice of meeting.

SUMMARY: The Northern Utah Resource Advisory Committee (RAC) will hold a virtual meeting by phone and/or video conference. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with Title II of the Act as well as make recommendations on recreation fee proposals for sites on Ashley and Uinta-Wasatch-Cache National Forests, consistent with the Federal Lands Recreation Enhancement Act. RAC information and meeting information can be found at the following website: *https://www.fs.usda.gov/ashley/and https://www.fs.usda.gov/uwcnf.*

DATES: The meeting will be held on September 22, 2021 at 6:00 p.m., Mountain Daylight Time.

All RAC meetings are subject to cancellation. For status of the meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

ADDRESSES: The meeting will be held virtually via telephone and/or video conference. To obtain telephone and/or video conferencing information for the meeting, call the Uinta-Wasatch-Cache National Forest Supervisor's Office at (801) 999–2113.

Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION**. All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received upon request.

FOR FURTHER INFORMATION CONTACT: Dave Whittekiend, Designated Federal Officer (DFO), by phone at 801–503–7190 or by email at *david.whittekiend@usda.gov,* or Ms. Loyal Clark at 801–999–2113 or by email at *loyal.clark@usda.gov.*

Individuals who use telecommunication devices for the hearing-impaired (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339, 24 hours a day, every day of the year, including holidays.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to:

1. Approve August 25th meeting minutes;
2. Address additional Resource Advisory Committee business;
3. Review and prioritize Title II project proposals;
4. Entertain general questions and answers; and
5. Schedule next meeting.

The meeting is open to the public. The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should request in writing by September 10, 2021, to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meeting. Written comments and requests for time for oral comments must be sent to Ms. Loyal Clark, Uinta-Wasatch-Cache National Forest, 857 West South Jordan Parkway, South Jordan, UT 84057; or by email to *loyal.clark@usda.gov.*

Reasonable Accommodations: If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices, or other reasonable accommodation. For access to the facility or proceedings, please contact the persons listed in the section titled **FOR FURTHER INFORMATION CONTACT**. All reasonable accommodation requests are managed on a case-by-case basis.

Dated: August 23, 2021.

Cikena Reid,

USDA Committee Management Officer.

[FR Doc. 2021–18469 Filed 8–26–21; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF COMMERCE

Census Bureau

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Construction Progress Reporting Survey

AGENCY: Census Bureau, Commerce.

ACTION: Notice of information collection, request for comment.

SUMMARY: The Department of Commerce, in accordance with the Paperwork Reduction Act (PRA) of 1995, invites the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. The purpose of this notice is to allow for 60 days of public comment on the proposed extension of the Construction Progress Reporting Survey, 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 26, 2021.

ADDRESSES: Interested persons are invited to submit written comments by email to *Thomas.J.Smith@census.gov.* Please reference the Construction Progress Reporting Survey in the subject line of your comments. You may also submit comments, identified by Docket Number USBC–2021–0022, to the Federal e-Rulemaking Portal: *http://www.regulations.gov.* All comments received are part of the public record. No comments will be posted to *http://www.regulations.gov* for public viewing until after the comment period has closed. Comments will generally be posted without change. All Personally Identifiable Information (for example, name and address) voluntarily

submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information. You may submit attachments to electronic comments in Microsoft Word, Excel, or Adobe PDF file formats.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or specific questions related to collection activities should be directed to Aidan Smith, Assistant Division Chief, Construction Indicator Programs, Economic Indicators Division, U.S. Census Bureau, 301–763–2972 or via email at *Aidan.D.Smith@census.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

The Census Bureau plans to request an extension of a currently approved collection for forms C–700, C–700(R), C–700(SL), and C–700(F). These forms are used to conduct the Construction Progress Reporting Surveys (CPRS) and collect information on the dollar value of construction put in place. Form C–700, for Private Construction Projects, collects construction put in place data for nonresidential projects owned by private companies or individuals. Form C–700(R), for Multifamily Residential Projects, collects construction put in place data for private multifamily residential buildings. Form C–700(SL), for State and Local Government Projects, collects construction put in place data for state and local government projects. Form C–700(F), for Federal Government Projects, collects construction put in place data for federal government projects.

The Census Bureau uses the information from these surveys to publish the value of construction put in place for the monthly 'Construction Spending' principal economic indicator. Published estimates are used by a variety of private businesses and trade associations to estimate the demand for building materials and to schedule production, distribution, and sales efforts. They also provide various government agencies with a tool to evaluate economic policy. For example, Bureau of Economic Analysis staff use data to develop the construction components of gross private domestic investment in the gross domestic product. The Federal Reserve Board and the Department of the Treasury use the value in place data to predict the gross domestic product, which is presented to the Board of Governors and has an impact on monetary policy.

There are currently no planned content changes to the questionnaires.

II. Method of Collection

An independent systematic sample of construction projects is selected each month according to predetermined sample rates. Once a project is selected, it remains in the sample until completion. For the preliminary mailing, preprinted forms are mailed to respondents. After the preliminary mailing, respondents have the option to report online. Respondents that consistently report electronically, receive email notifications and reminders to complete the online survey. Nonrespondents are later called by a Census interviewer and are asked to report data over the phone. Interviews are scheduled at the convenience of the respondent, which further reduces their burden. Respondents having their information available from an internal database at the time of the interview greatly helps reduce the time spent on the phone.

III. Data

OMB Control Number: 0607–0153.

Form Number(s): C–700, C–700(R), C–700(SL), C–700(F).

Type of Review: Regular submission, Request for an Extension, without Change, of a Currently Approved Collection.

Affected Public: Individuals, Businesses or Other for Profit, Not-for-Profit Institutions, Small Businesses or Organizations, State and Local Governments and the Federal Government.

Estimated Number of Respondents:
C–700 = 6,200
C–700(R) = 2,500
C–700(SL) = 11,800
C–700(F) = 1,500
Total = 22,000

Estimated Time per Response: 30 minutes for the first month; 10 minutes for subsequent months. We estimate, on average, that projects remain in sample for 12 months.

Estimated Total Annual Burden Hours: 51,333.

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. 2021–18531 Filed 8–26–21; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Census Bureau

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; 2022 Economic Census

AGENCY: Census Bureau, Commerce.

ACTION: Notice of information collection, request for comment.

SUMMARY: The Department of Commerce, in accordance with the Paperwork Reduction Act (PRA) of 1995, invites the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. The purpose of this notice is to allow for 60 days of public comment on the proposed reinstatement, with change, of the Economic Census 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 26, 2021.

ADDRESSES: Interested persons are invited to submit written comments by email to *Thomas.J.Smith@census.gov*. Please reference 2022 Economic Census in the subject line of your comments. You may also submit comments, identified by Docket Number USBC–2021–0020, to the Federal e-Rulemaking Portal: *http://www.regulations.gov*. All comments received are part of the public record. No comments will be posted to *http://www.regulations.gov* for public viewing until after the comment period has closed. Comments will generally be posted without change. All Personally Identifiable Information (for example, name and address) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information. You may submit attachments to electronic comments in Microsoft Word, Excel, or Adobe PDF file formats.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or specific questions related to collection activities should be directed to Kimberly Moore, Chief, Economy-Wide Statistics Division, U.S. Census Bureau by phone (301) 763–7643, or by email at *kimberly.p.moore@census.gov*.

SUPPLEMENTARY INFORMATION:

I. Abstract

The Census Bureau is the preeminent collector and provider of timely, relevant, and quality data about the people and economy of the United States. The Economic Census, conducted under authority of Title 13 United States Code, is the U.S. Government's most comprehensive five-year measure of American business and the economy. It features the primary source of facts about the structure and functioning of the Nation's economy, comprised of the 50 states, offshore areas, and the District of Columbia (collectively referred to as Stateside) as well as Puerto Rico, Guam, the Commonwealth of the Northern Mariana Islands, the U.S. Virgin Islands, and American Samoa, (collectively referred to as Island Areas) and features unique industry and geographic detail. Economic Census statistics serve as part of the framework for the national accounts and provide essential information for government, business, and the public.

The 2022 Economic Census, both Stateside and Island Areas, covering the Agriculture; Mining; Utilities; Construction; Manufacturing; Wholesale Trade; Retail Trade; Transportation and Warehousing; Information; Finance and Insurance; Real Estate and Rental and Leasing; Professional, Scientific and Technical Services; Management of Companies and Enterprises; Administrative and Support and Waste Management and Remediation Services; Educational Services; Health Care and Social Assistance; Arts, Entertainment, and Recreation; Accommodation and Food Services; Other Services (except Public Administration) Sectors (as defined by the North American Industry Classification System (NAICS)) will measure the economic activity of nearly 8 million employer establishments. The inclusion of the Agriculture sector is new for the 2022 Economic Census and will account for Agriculture Support Activities, NAICS Industry Groups 1151 and 1152 only. The information collected from establishments in these sectors of the economic census will produce basic statistics by industry for number of establishments, value of shipments/receipts/revenue/sales, payroll, and employment. It will also yield a variety of industry-specific statistics, including materials consumed, detailed supplies and fuels consumed, electric energy consumed, depreciable assets, selected purchased services, inventories, capital expenditures, value of shipments/receipts/revenue/sales by product line as defined by the North American Product Classification System (NAPCS), type of operation, size of establishments, and other industry-specific measures.

The scope of the Island Areas component of the Economic Census is roughly equivalent to that of the Stateside component and is the only source of economic data collected for the Island Areas. While the Island Areas component collects the same sector level data as the Stateside portion, the data published are at a less detailed NAICS level with some additional exclusions.

II. Method of Collection

Establishments in the Economic Census will be selected from the Census Bureau's Business Register. The Census Bureau's Business Register provides a current and comprehensive database of U.S. business establishments and companies for statistical program use. To be eligible for selection, an establishment will be required to satisfy the following conditions: (i) It must be classified in one of the sectors listed above; (ii) it must be an active operating establishment of a multi-establishment firm (*i.e.,* a firm that operates at more than one physical location), or it must be a single-establishment firm (*i.e.,* a firm operating at only one physical location) with payroll; and (iii) it must be located in one of the 50 states, offshore areas, the District of Columbia, Puerto Rico, Guam, the Commonwealth of the Northern Mariana Islands, the U.S. Virgin Islands, or American Samoa. Initial contact with respondents will be a mailed letter directing them to report online. No form will be mailed except for establishments located in the Island Areas where single-establishment firms will be eligible to request a paper questionnaire. Establishments will respond using a response-driven electronic reporting instrument that includes skip patterns and will display survey paths specific to the establishment's primary business activity. The sampling procedure will distinguish the following groups of establishments for collection:

1. Establishments of Multi-Establishment Firms

Selection procedures will assign all active establishments of multi-establishment firms to the mail component of the universe, except for those in industries classified as consolidated reporters. In these selected industries, where activities are not easily attributable to individual locations or establishments, firms will be asked to report their basic data for several establishments at a nation-wide level on an electronic consolidated report path(s).

2. Single-Establishment Firms With Payroll

For the Stateside component, all single-establishment firms having 2022 payroll (from Federal administrative records) will be included in the sampling frame. We will use a NAICS-by-state stratified sample design for selecting a sample of single-establishment firms. The largest single-establishment firms (based on 2022 payroll) will be selected with certainty. Those single-establishment firms that are not selected with certainty are selected using a probability sample. Using a NAICS-by-state stratified sample should produce reliable estimates for various characteristics at detailed NAICS-by-state levels.

The remaining single-establishment firms with payroll that are not selected into the sample will be represented in the Economic Census by data from Federal administrative records, or by weighting the responses of the sampled

establishments. Additionally, some of these single-establishment firms not selected into the sample may be requested to respond to a short questionnaire to verify or confirm that the establishments are classified in the correct NAICS industry.

For the Island Areas component, all single-establishment firms with payroll will be included in the Economic Census.

III. Data

OMB Control Number: 0607–0998.

Stateside Electronic Path ID(s): The paths in the electronic instrument used to collect information are tailored to specific industries or groups of industries. The Electronic Path ID's are too numerous to list individually in this notice.

Island Areas Questionnaire Number(s)/Electronic Path ID(s): The questionnaires and paths in the electronic instrument used to collect information in the Islands Areas are tailored to specific industries or groups of industries. Electronic instruments are available in English. Puerto Rico paper questionnaires are available in English as well as Spanish.

BILLING CODE 3510–07–P

Questionaire Number and Electronic Path ID	Island Area	TRADE
IA-92101	Puerto Rico	Utilities, Mining, Transportation, and Warehousing (English)
IA-92102	Puerto Rico	Utilities, Mining, Transportation, and Warehousing (Spanish, paper only)
IA-92103	Selected U.S. Territories	Utilities, Mining, Transportation, and Warehousing
IA-92104	American Samoa	Utilities, Mining, Transportation, and Warehousing
IA-92301	Puerto Rico	Construction (English)
IA-92302	Puerto Rico	Construction (Spanish, paper only)
IA-92303	Selected U.S. Territories	Construction
IA-92304	American Samoa	Construction
IA-93101	Puerto Rico	Manufacturing (English)
IA-93102	Puerto Rico	Manufacturing (Spanish, paper only)
IA-93103	Selected U.S. Territories	Manufacturing
IA-93104	American Samoa	Manufacturing
IA-94201	Puerto Rico	Wholesale Trade (English)
IA-94202	Puerto Rico	Wholesale Trade (Spanish, paper only)
IA-94203	Selected U.S. Territories	Wholesale Trade
IA-94204	American Samoa	Wholesale Trade
IA-94401	Puerto Rico	Retail Trade (English)
IA-94402	Puerto Rico	Retail Trade (Spanish, paper only)
IA-94403	Selected U.S. Territories	Retail Trade
IA-94404	American Samoa	Retail Trade
IA-95101	Puerto Rico	Services (English)
IA-95102	Puerto Rico	Services (Spanish, paper only)
IA-95103	Selected U.S. Territories	Services
IA-95104	American Samoa	Services
IA-95201	Puerto Rico	Finance, Insurance, Real Estate, Rental and Leasing (English)
IA-95202	Puerto Rico	Finance, Insurance, Real Estate, Rental and Leasing (Spanish, paper only)
IA-95203	Selected U.S. Territories	Finance, Insurance, Real Estate, Rental and Leasing
IA-95204	American Samoa	Finance, Insurance, Real Estate, Rental and Leasing
IA-97201	Puerto Rico	Accommodation and Food Services (English)
IA-97202	Puerto Rico	Accommodation and Food Services (Spanish, paper only)
IA-97203	Selected U.S. Territories	Accommodation and Food Services
IA-97204	American Samoa	Accommodation and Food Services

Type of Review: Regular submission, Request for a Reinstatement, with Change, of a Previously Approved Collection.

Affected Public: State or local governments, businesses, or other for profit or non-profit institutions or organizations.

Estimated Number of Respondents, time per response and total annual burden:

Table 1: Estimated 2022 Census Sample Sizes by Sector (Stateside)

Sector	Trade	Total Establishments	Estimated Number of Respondents	Multi Establishments	Single-Establishments						Estimated Time Per Response/ Hours Long Form	Estimated Time Per Response/ Hours Classification Form	Estimated Total Annual Burden Hours
						Selected			Not Selected				
						Long "Forms"							
				Total	Universe	Certainty	Non Certainty	Total	Total [2]	Classification [2] "Forms"			
11	Agriculture [3]	21,700	21,700	700	21,000	21,000	0	21,000	0	0	0.8	-	17,360
21	Mining	24,850	18,850	8,800	16,050	7,600	350	7,950	8,100	2,100	4.0	0.1	67,210
22	Utilities	20,600	20,600	15,500	5,100	5,100	0	5,100	0	0	1.6	-	32,960
23	Construction	742,000	241,000	21,500	720,500	67,000	81,500	148,500	572,000	71,000	2.3	0.1	398,100
31	Manufacturing	284,100	214,600	63,000	221,100	115,000	5,100	120,100	101,000	31,500	5.6	0.1	1,028,510
42	Wholesale Trade	392,000	392,000	138,000	254,000	254,000	0	254,000	0	0	1.6	-	627,200
44	Retail Trade	1,018,500	710,500	433,000	585,500	216,000	26,500	242,500	343,000	35,000	1.0	0.2	682,500
48	Transportation and Warehousing	255,000	173,500	62,500	192,500	83,000	13,000	96,000	96,500	15,000	1.7	0.2	272,450
51	Information	159,000	127,900	81,000	78,000	36,000	6,000	42,000	36,000	4,900	1.3	0.1	160,390
52	Finance and Insurance	484,500	360,400	253,000	231,500	87,500	11,000	98,500	133,000	8,900	1.6	0.2	564,180
53	Real Estate and Rental and Leasing	435,000	198,000	110,000	325,000	42,000	24,000	66,000	259,000	22,000	1.2	0.2	215,600
54	Professional, Scientific and Technical Services	930,000	439,000	126,000	804,000	187,000	64,000	251,000	553,000	62,000	1.2	0.1	458,600
55	Management of Companies and Enterprises	69,200	69,200	65,000	4,200	4,200	0	4,200	0	0	1.5	-	103,800
56	Administrative and Support and Waste	424,000	205,000	83,500	340,500	71,000	34,500	105,500	235,000	16,000	1.1	0.1	209,500
61	Educational Services	81,700	36,600	8,900	72,800	15,500	6,800	22,300	50,500	5,400	0.9	0.1	28,620
62	Health Care and Social Assistance	923,500	517,000	289,000	634,500	157,000	32,500	189,500	445,000	38,500	1.1	0.1	530,200
71	Arts, Entertainment, and Recreation	149,500	85,700	18,000	131,500	50,000	11,500	61,500	70,000	6,200	1.1	0.1	88,070
72	Accomodation and Food Services	730,000	464,500	211,000	519,000	163,000	28,000	191,000	328,000	62,500	1.0	0.2	414,500
81	Other Services (except Public Admin.)	570,000	305,500	80,500	489,500	132,000	46,500	178,500	311,000	46,500	1.0	0.1	263,650
-	Unclassified	24,000	24,000	0	24,000	0	0	0	24,000	24,000	-	0.1	2,400
Totals		7,739,150	4,625,550	2,068,900	5,670,250	1,713,900	391,250	2,105,150	3,565,100	451,500			6,165,800

Notes: [4] Single-units not selected may receive a short questionnaire to verify classification. These counts are included in the "Not Selected" total.

[2] Federal administrative records

[3] Sector 11 includes only NAICS Industry Groups 1151 and 1152

Table 2: Estimated 2022 Census Sample Sizes by Area (Island Areas)

Area	Total Estabs	Multi Estabs	Single Estabs	Estimated Time Per Response/ Hours	Estimated Total Annual Burden Hours
Puerto Rico	47,300	9,300	38,000	1.0	47,300
Guam	3,550	850	2,700	1.0	3,550
Commonwealth of the Northern Mariana Islands	1,800	300	1,500	1.0	1,800
U.S. Virgin Islands	2,450	450	2,000	1.0	2,450
American Samoa	540	90	450	1.0	540
Totals	55,640	10,990	44,650		55,640

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: Mandatory.

Legal Authority: Title 13 U.S.C. Section 131.

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. 2021–18528 Filed 8–26–21; 8:45 am]

BILLING CODE 3510–07–C

DEPARTMENT OF COMMERCE

International Trade Administration

Environmental Technologies Trade Advisory Committee; Meeting

AGENCY: International Trade Administration, U.S. Department of Commerce.

ACTION: Notice of an open meeting of a Federal Advisory Committee.

SUMMARY: This notice sets forth the schedule and proposed topics for a meeting of the Environmental Technologies Trade Advisory Committee (ETTAC).

DATES: The meeting is scheduled for Tuesday, September 14, 2021 from 10:00 a.m. to 5:00 p.m. Eastern Daylight Time (EDT). The deadline for members of the public to register to participate, including requests to make comments during the meeting and for auxiliary aids, or to submit written comments for dissemination prior to the meeting, is 5:00 p.m. EDT on Tuesday, September 7, 2021.

ADDRESSES: The meeting will be held virtually via Webex. Requests to register

to participate (including to speak or for auxiliary aids) and any written comments should be submitted via email to Ms. Victoria Yue, Office of Energy & Environmental Industries, International Trade Administration, at *Victoria.yue@trade.gov.*

FOR FURTHER INFORMATION CONTACT: Mr. Victoria Yue, Office of Energy & Environmental Industries, International Trade Administration (Phone: 202–482–3492; email: *Victoria.yue@trade.gov*).

SUPPLEMENTARY INFORMATION: The meeting will take place on Tuesday, September 14, 2021 from 10:00 a.m. to 5:00 p.m. EDT. The general meeting is open to the public, and time will be permitted for public comment from 4:30 p.m. to 5:00 p.m. EDT. Members of the public seeking to attend the meeting are required to register in advance. Those interested in attending must provide notification by Tuesday, September 7, 2021, at 5:00 p.m. EDT, via the contact information provided above. This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to OEEI at *Victoria.Yue@trade.gov* or (202) 482–3492 no less than one week prior to the meeting. Requests received after this date will be accepted, but it may not be possible to accommodate them.

Written comments concerning ETTAC affairs are welcome any time before or after the meeting. To be considered during the meeting, written comments must be received by Tuesday, September 7, 2021, at 5:00 p.m. EDT to ensure transmission to the members before the meeting. Minutes will be available within 30 days of this meeting.

Topics to be considered: During the September 14 meeting, which will be the second meeting of the current charter term, the Committee will receive briefings from U.S. government officials on relevant programs and conduct subcommittee breakouts under the themes of Trade Policy and Export Competitiveness, Climate Change Mitigation and Resilience Technologies, and Waste Management and Circular Economy. An agenda will be made available one week prior to the meeting upon request to Victoria Yue.

Background: The ETTAC is mandated by Section 2313(c) of the Export Enhancement Act of 1988, as amended, 15 U.S.C. 4728(c), to advise the Environmental Trade Working Group of the Trade Promotion Coordinating Committee, through the Secretary of Commerce, on the development and administration of programs to expand U.S. exports of environmental technologies, goods, services, and products. The ETTAC was most recently re-chartered through August 15, 2022.

Dated: August 23, 2021.

Man Cho,

Deputy Director, Office of Energy and Environmental Industries.

[FR Doc. 2021–18443 Filed 8–26–21; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

International Trade Administration

United States Travel and Tourism Advisory Board: Meeting of the United States Travel and Tourism Advisory Board

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice of an open meeting.

SUMMARY: The United States Travel and Tourism Advisory Board (Board or TTAB) will hold a meeting on Wednesday, September 15, 2021. The Board advises the Secretary of Commerce on matters relating to the U.S. travel and tourism industry. The purpose of the meeting is for Board members to discuss the current state of recovery of the travel and tourism industry and for the Secretary of Commerce to charge the Board with developing recommendations in key areas. The final agenda will be posted on the Department of Commerce website for the Board at *https://www.trade.gov/ttab-meetings* at least two days prior to the meeting.

DATES: Wednesday, September 15, 2021, 11:00 a.m.–12:30 p.m. EDT. The deadline for members of the public to register for the meeting or to submit written comments for dissemination prior to the meeting is 5:00 p.m. EDT on Friday, September 10, 2021.

ADDRESSES: The meeting will be held at the Department of Commerce in Washington, DC. The meeting is open to the public via teleconference technology. The Board website (*https://www.trade.gov/ttab-meetings*) will maintain the most current information on the meeting agenda and schedule. These items may be updated without further notice in the **Federal Register**. A copy of Board meeting minutes will be available within 90 days of the meeting. The public may also submit statements or questions via the Board email address, *TTAB@trade.gov.* If you wish the Board to consider your statement or question during the meeting, we must receive your written statement or question no later than 5:00 p.m. (EDT) on Friday, September 10, 2021. We will provide all statements or questions received after the deadline to the members; however, they may not consider them during the meeting.

FOR FURTHER INFORMATION CONTACT: Jennifer Aguinaga, the United States Travel and Tourism Advisory Board, National Travel and Tourism Office, U.S. Department of Commerce; telephone: 202–482–2404; email: *TTAB@trade.gov.*

Jennifer Aguinaga,

Designated Federal Officer, United States Travel and Tourism Advisory Board.

[FR Doc. 2021–18526 Filed 8–26–21; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Availability of Final Evaluation Findings of State Coastal Programs and National Estuarine Research Reserves

AGENCY: Office for Coastal Management (OCM), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Notice of availability of evaluation findings.

SUMMARY: Notice is hereby given of the availability of final evaluation findings of state coastal programs and national estuarine research reserves under Sections 312 and 315 of the Coastal Zone Management Act (CZMA).

ADDRESSES: Copies of these final evaluation findings may be downloaded at *http://coast.noaa.gov/czm/evaluations/evaluation_findings/index.html* or by submitting a written request to Carrie Hall at *Carrie.Hall@noaa.gov.*

FOR FURTHER INFORMATION CONTACT: Carrie Hall, Evaluator, Planning and Performance Measurement Program, Office for Coastal Management at *Carrie.Hall@noaa.gov* or (240) 530–0730.

SUPPLEMENTARY INFORMATION: The NOAA Office for Coastal Management has completed the Coastal Zone Management Program evaluations for the states of Florida, Louisiana, Maryland, and North Carolina. The states were found to be implementing and enforcing their federally approved Coastal Zone Management Programs, addressing the national coastal management objectives identified in CZMA Section 303(2), and adhering to the programmatic terms of their

financial assistance awards. In addition, the NOAA Office for Coastal Management has completed the National Estuarine Research Reserve evaluations for Elkhorn Slough, Lake Superior, Chesapeake Bay Maryland, Mission Aransas, and North Carolina. The reserves were found to be adhering to programmatic requirements of the National Estuarine Research Reserve System. NOAA published in the **Federal Register** notices for public meetings and opportunities to submit public comments on the evaluation of these state Coastal Zone Management Programs (CZMPs) and National Estuarine Research Reserves (NERRs). See 85 FR 50012 (Aug. 17, 2020) (FL CZMP); 84 FR 24104 (May 24, 2019) (LA CZMP); 85 FR 36382 (June 16, 2020) (MD CZMP and Chesapeake Bay MD NERR); 85 FR 54356 (Sept. 1, 2020) (NC CZMP and NC NERR); 84 FR 24101 (May 24, 2019) (Elkhorn Slough NERR); 85 FR 44863 (July 24, 2020) (Lake Superior NERR); and 85 FR 36383 (June 16, 2020) (Mission Aransas NERR). Public comments received are addressed in the final evaluation findings.

Authority: 16 U.S.C. 1458 and 1461(f); 15 CFR 921.40 and 923.133(b)(7).

Keelin Kuipers,

Deputy Director, Office for Coastal Management, National Ocean Service, National Oceanic and Atmospheric Administration.

[FR Doc. 2021–18548 Filed 8–26–21; 8:45 am]

BILLING CODE 3510–JE–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XB350]

New England Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its Skate Advisory Panel via webinar to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

DATES: This webinar will be held on Thursday, September 16, 2021, at 9 a.m. Webinar registration URL information: *https://attendee.gotowebinar.com/register/6979362679272284939.*

ADDRESSES:

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Thomas A. Nies, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION:

Agenda

The Skate Advisory Panel will receive an update on progress and make final recommendations on preferred alternatives for the Skate 2022–23 Specifications. They will also receive an update on progress and make recommendations for measures for intermediate possession limits, at-sea monitoring, and other aspects of Amendment 5 to the Northeast Skate Complex Fishery Management Plan. The Advisory Panel will develop recommendations for 2022 Council work priorities regarding skates. Other business may be discussed, as necessary.

Although non-emergency issues not contained on the agenda may come before this Council for discussion, those issues may not be the subject of formal action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency. The public also should be aware that the meeting will be recorded. Consistent with 16 U.S.C. 1852, a copy of the recording is available upon request.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Thomas A. Nies, Executive Director, at (978) 465–0492, at least 5 days prior to the meeting date.

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

Dated: August 24, 2021.

Tracey L. Thompson,

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

[FR Doc. 2021–18480 Filed 8–26–21; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XB317]

Pacific Whiting; Advisory Panel; Joint Management Committee

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

ACTION: Notice; call for nominations.

SUMMARY: NMFS is soliciting nominations for appointments to the United States Advisory Panel (AP) established in the Agreement between the Government of the United States of America and the Government of Canada on Pacific Hake/Whiting (Pacific Whiting Treaty). Nominations are being sought to fill two positions on the AP; one beginning immediately, and one beginning on December 1, 2021. Terms are 4 years, the position to begin immediately would fill a vacancy of which the appointee would serve the remainder of the term, which began on September 16, 2019. Appointees will be eligible for reappointment at the expiration of the terms.

DATES: Nominations must be received by September 27, 2021.

ADDRESSES: You may submit nominations by the following method:

- *Email: frank.lockhart@noaa.gov.*

FOR FURTHER INFORMATION CONTACT: Frank Lockhart, (206) 526–6142.

SUPPLEMENTARY INFORMATION:

Background

Pacific Whiting Treaty Committees

The Pacific Whiting Act of 2006 (Pacific Whiting Act) (16 U.S.C. 7001–10) implements the 2003 Agreement between the Government of the United States of America and the Government of Canada on Pacific Hake/Whiting (Agreement). The Agreement establishes the AP and among other provisions, the Pacific Whiting Act provides for United States representation on the AP.

The AP advises the Joint Management Committee on bilateral Pacific whiting management issues. Nine individuals currently represent the United States on the AP, and nominations for two of those individuals (*id.* at § 7005) is solicited through this notice.

Members appointed to the U.S. sections of the AP will be reimbursed for necessary travel expenses in accordance with Federal Travel Regulations and sections 5701, 5702, 5704 through 5708, and 5731 of Title 5. (*Id.* at § 7008). NMFS anticipates that

one–two meetings of the AP will be held annually, and these meetings will be held in the United States or Canada. AP members will need a valid U.S. passport.

The Pacific Whiting Act of 2006 also states that while performing their appointed duties, members other than officers or employees of the United States Government, shall not be considered to be Federal employees while performing such service, except for purposes of injury compensation or tort claims liability as provided in chapter 81 of title 5 and chapter 171 of title 28. (*Id.*)

Information on the Pacific Whiting Treaty, including current committee members can be found at: *https://www.fisheries.noaa.gov/west-coast/laws-and-policies/pacific-hake-whiting-treaty.*

Nominations

Nomination packages for appointments should include:

(1) The name of the applicant or nominee, position they are being nominated for and a description of his/her interest in Pacific whiting; and

(2) A statement of background and/or description of how the following qualifications are met.

Advisory Panel Qualifications

AP member nominees must be knowledgeable or experienced in the harvesting, processing, marketing, management, conservation, or research of the offshore Pacific whiting resource; and must not be employees of the United States Government. Nominees currently active as vessel skippers are encouraged.

Authority: 16 U.S.C. 7001 *et seq.*

Dated: August 24, 2021.

Jennifer M. Wallace,

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

[FR Doc. 2021–18535 Filed 8–26–21; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XB354]

Mid-Atlantic Fishery Management Council (MAFMC); Public Meeting

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

ACTION: Notice; public meeting.

SUMMARY: The Mid-Atlantic Fishery Management Council (Council) will convene a public peer review meeting consisting of members of the Council's Scientific and Statistical Committee (SSC).

DATES: The meeting will be held on Monday, September 20, 2021, starting at 10 a.m. and continue through 4 p.m. See **SUPPLEMENTARY INFORMATION** for agenda details.

ADDRESSES: The meeting will take place over webinar using the Webex platform with a telephone-only connection option. Details on how to connect to the webinar by computer and by telephone will be available at: *http://www.mafmc.org.*

Council address: Mid-Atlantic Fishery Management Council, 800 N. State Street, Suite 201, Dover, DE 19901; telephone: (302) 674–2331; website: *www.mafmc.org.*

FOR FURTHER INFORMATION CONTACT: Christopher M. Moore, Ph.D., Executive Director, Mid-Atlantic Fishery Management Council, telephone: (302) 526–5255.

SUPPLEMENTARY INFORMATION: The Council will convene a peer review panel consisting of members of the Council's SSC to review potential two recreational management models. These two models, a recreational fleet dynamics model and an economic recreational demand model, are being considered for use by the Council's Fishery Management Action Team (FMAT) and the Atlantic States Marine Fisheries Commission's (ASMFC) Plan Development Team (PDT) that are developing analyses, materials, and alternatives for the Council and ASMFC Recreational Reform Initiative. The potential use of these models would be part of the development of a Harvest Control Rule currently being considered as one component of the Recreational Reform action. The peer review will help identify potential benefits, uncertainties, and appropriate approaches and considerations of each model for use by the FMAT/PDT.

A detailed agenda and background documents will be made available on the Council's website (*www.mafmc.org*) prior to the meeting.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aid should be directed to Shelley Spedden, (302) 526–5251, at least 5 days prior to the meeting date.

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

Dated: August 24, 2021.

Tracey L. Thompson,

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

[FR Doc. 2021–18483 Filed 8–26–21; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XB362]

Endangered and Threatened Species; Take of Anadromous Fish

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

ACTION: Notice; availability of a draft environmental assessment and proposed evaluation.

SUMMARY: Notice is hereby given that NMFS has received five plans for hatchery programs rearing and releasing Chinook salmon, coho salmon, and sockeye salmon in the Lake Washington basin. The plans describe hatchery programs operated by the Muckleshoot Indian Tribe and Washington Department of Fish and Wildlife (WDFW). This document serves to notify the public of the availability and opportunity to comment on a draft Environmental Assessment and Proposed Evaluation and Determination document on the proposed hatchery plans.

DATES: Comments must be received at the appropriate address (see **ADDRESSES**) no later than 5:00 p.m. Pacific time on September 27, 2021. Comments received after this date may not be considered.

ADDRESSES: Comments may be submitted by email. The mailbox address for providing email comments is: *Hatcheries.Public.Comment@noaa.gov.* Include in the subject line of the email comment the following identifier: Comments on Lake Washington hatchery programs. The documents available for public comment can be found at: *https://www.fisheries.noaa.gov/action/five-hatchery-programs-lake-washington-basin.*

FOR FURTHER INFORMATION CONTACT: Chanté Davis at (503) 231–2307 or by email at *chante.davis@noaa.gov.*

SUPPLEMENTARY INFORMATION:

Endangered Species Act (ESA) Listed Species Covered in This Notice

- Chinook salmon (*Oncorhynchus tshawytscha*): Threatened, naturally and artificially propagated;
- Steelhead (*O. mykiss*): Threatened, naturally and artificially propagated;

Background

The term ''take'' is defined under the ESA to mean harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. The ESA prohibits the take of endangered salmonids and, pursuant to ESA section 4(d), ESA regulations can be extended to prohibit the take of threatened salmonids. However, NMFS may make exceptions to the take prohibitions for hatchery programs that are approved by NMFS under the limits on the prohibitions outlined in 50 CFR 223.203(b). The Muckleshoot Indian Tribe and WDFW have submitted hatchery plans to NMFS pursuant to the ESA 4(d) rule for salmon and steelhead. The hatchery programs are intended to contribute to the survival and recovery of Puget Sound Chinook Salmon, provide information on exploitation rates, and support returns of coho salmon, Chinook salmon, and sockeye salmon to the Lake Washington basin.

Authority

16 U.S.C. 1531 *et seq.;* 16 U.S.C. 742a *et seq.*

Dated: August 23, 2021.

Angela Somma,

Chief, Endangered Species Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2021–18440 Filed 8–26–21; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XB351]

New England Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its Skate Committee via webinar to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

DATES: This webinar will be held on Thursday, September 16, 2021, at 1 p.m. Webinar registration URL information: *https://attendee.gotowebinar.com/register/9028477419981708811.*

ADDRESSES: *Council address:* New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Thomas A. Nies, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION:

Agenda

The Skate Committee will receive an update on progress and make final recommendations on preferred alternatives for the Skate 2022–23 Specifications. They will also receive an update on progress and make recommendations for measures for intermediate possession limits, at-sea monitoring, and other aspects of Amendment 5 to the Northeast Skate Complex Fishery Management Plan. The Committee will develop recommendations for 2022 Council work priorities regarding skates. Other business may be discussed, as necessary.

Although non-emergency issues not contained on the agenda may come before this Council for discussion, those issues may not be the subject of formal action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency. The public also should be aware that the meeting will be recorded. Consistent with 16 U.S.C. 1852, a copy of the recording is available upon request.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Thomas A. Nies, Executive Director, at (978) 465–0492, at least 5 days prior to the meeting date.

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

Dated: August 24, 2021.

Tracey L. Thompson,

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

[FR Doc. 2021–18481 Filed 8–26–21; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XB353]

Mid-Atlantic Fishery Management Council (MAFMC); Public Meeting

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

ACTION: Notice; public meeting.

SUMMARY: The Mid-Atlantic Fishery Management Council's Mackerel, Squid, and Butterfish Monitoring Committee will hold a public webinar meeting.

DATES: The meeting will be held on Tuesday, September 14, 2021, from 1 p.m. to 3 p.m. For agenda details, see **SUPPLEMENTARY INFORMATION**.

ADDRESSES: The meeting will be held via webinar. Information on how to connect to the webinar will be posted to *https://www.mafmc.org/council-events/.*

Council address: Mid-Atlantic Fishery Management Council, 800 N State Street, Suite 201, Dover, DE 19901; telephone: (302) 674–2331; *www.mafmc.org.*

FOR FURTHER INFORMATION CONTACT: Christopher M. Moore, Ph.D., Executive Director, Mid-Atlantic Fishery Management Council, telephone: (302) 526–5255.

SUPPLEMENTARY INFORMATION: The Mackerel, Squid, and Butterfish Monitoring Committee will meet via webinar to discuss catch and landings limits and other management measures for Atlantic chub mackerel in 2022. The objectives of this meeting are for the Monitoring Committee to: (1) Review recent fishery performance and management measure recommendations from the Advisory Panel, the Scientific and Statistical Committee, and Council staff; (2) Review, and if appropriate, recommend changes to the previously implemented 2022 annual catch limit, annual catch target, total allowable landings limit, and other management measures. Meeting materials will be posted to *www.mafmc.org.*

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for

sign language interpretation or other auxiliary aids should be directed to Shelley Kimbel-Spedden, (302) 526–52531, at least 5 days prior to the meeting date.

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

Dated: August 24, 2021.

Tracey L. Thompson,

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

[FR Doc. 2021–18482 Filed 8–26–21; 8:45 am]

BILLING CODE 3510–22–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Additions and Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Additions to and deletions from the procurement list.

SUMMARY: This action adds service(s) to the Procurement List that will be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities and deletes product(s) and service(s) from the Procurement List previously furnished by such agencies.

DATES: *Date added to the Procurement List:* September 15, 2021; *Date deleted from the Procurement List:* September 26, 2021.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S. Clark Street, Suite 715, Arlington, Virginia, 22202–4149.

FOR FURTHER INFORMATION CONTACT: Michael R. Jurkowski, Telephone: (703) 785–6404, or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION:

Additions

On 5/7/2021 the Committee for Purchase From People Who Are Blind or Severely Disabled published notice of proposed additions to the Procurement List. This notice is published pursuant to 41 U.S.C. 8503 (a)(2) and 41 CFR 51–2.3.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the service(s) and impact of the additions on the current or most recent contractors, the Committee has determined that the service(s) listed below are suitable for procurement by the Federal Government under 41 U.S.C. 8501–8506 and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping, or other compliance requirements for small entities other than the small organizations that will furnish the service(s) to the Government.

2. The action will result in authorizing small entities to furnish the service(s) to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501–8506) in connection with the product(s) and service(s) proposed for addition to the Procurement List.

End of Certification

Accordingly, the following service(s) are added to the Procurement List:

Service(s)

Service Type: Mailroom, Courier, and Copy Center Service
Mandatory for: Consumer Financial Protection Bureau, Washington, DC
Designated Source of Supply: NewView Oklahoma, Inc., Oklahoma City, OK
Contracting Activity: CONSUMER FINANCIAL PROTECTION BUREAU, CONSUMER FINANCE PROTECTION BUREAU

The Committee finds good cause to dispense with the 30-day delay in the effective date normally required by the Administrative Procedure Act. See 5 U.S.C. 553(d). This addition to the Committee's Procurement List is effectuated because of the expiration of the Consumer Financial Protection Bureau contract. The Federal customer contacted and has worked diligently with the AbilityOne Program to fulfill this service need under the AbilityOne Program. To avoid performance disruption, and the possibility that the Consumer Financial Protection Bureau will refer its business elsewhere, this addition must be effective on September 14, 2021, ensuring timely execution for a September 15, 2021, start date while still allowing 19 days for comment. Pursuant to its own regulation 41 CFR 51–2.4, the Committee has been in contact with one of the affected parties, the incumbent of the expiring contract, since June 2020 and determined that no severe adverse impact exists. The Committee also published a notice of proposed Procurement List addition in the **Federal Register** on May 7, 2021 and did not receive any comments from any interested persons, including from the incumbent contractor. This addition will not create a public hardship and has limited effect on the public at large, but, rather, will create new jobs for other affected parties—people with significant disabilities in the AbilityOne program who otherwise face challenges locating employment. Moreover, this addition will enable Federal customer operations to continue without interruption.

Deletions

On 7/23/2021 the Committee for Purchase From People Who Are Blind or Severely Disabled published notice of proposed deletions from the Procurement List. This notice is published pursuant to 41 U.S.C. 8503 (a)(2) and 41 CFR 51–2.3.

After consideration of the relevant matter presented, the Committee has determined that the product(s) and service(s) listed below are no longer suitable for procurement by the Federal Government under 41 U.S.C. 8501–8506 and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in additional reporting, recordkeeping or other compliance requirements for small entities.

2. The action may result in authorizing small entities to furnish the product(s) and service(s) to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501–8506) in connection with the product(s) and service(s) deleted from the Procurement List.

End of Certification

Accordingly, the following product(s) and service(s) are deleted from the Procurement List:

Product(s)

NSN(s)—Product Name(s):
7510–01–600–7582—Monthly Wall Calendar, Dated 2021, Jan–Dec, 8½″ x 11″
7510–01–600–7630—Wall Calendar, Dated 2021, Wire Bound w/Hanger, 12″ x 17″
7510–01–600–7575—Wall Calendar, Dated 2021, Wire Bound w/hanger, 15.5″ x 22″
7510–01–682–8098—Wall Calendar, Recycled, Dated 2021, Vertical, 3

Months, 12¼″ x 26″
7530–01–600–7617—Weekly Planner Book, Dated 2021, 5″ x 8″, Black
7530–01–600–7590—Daily Desk Planner, Dated 2021, Wire bound, Non-refillable, Black Cover
7530–01–600–7597—Monthly Desk Planner, Dated 2021, Wire Bound, Non-refillable, Black Cover
7530–01–600–7601—Weekly Desk Planner, Dated 2021, Wire Bound, Non-refillable, Black Cover
7510–01–682–8110—Professional Planner, Dated 2021, Recycled, Weekly, Black, 8½″ x 11″
7510–01–682–8091—Monthly Planner, Recycled, Dated 2021, 14-month, 6⅞″ x 8¾″
Designated Source of Supply: Chicago Lighthouse Industries, Chicago, IL
Contracting Activity: GSA/FAS ADMIN SVCS ACQUISITION BR(2, NEW YORK, NY

NSN(s)—Product Name(s):
7510–01–600–8027—Dated 2021 12-Month 2-Sided Laminated Wall Planner, 24″ x 37″
Designated Source of Supply: Chicago Lighthouse Industries, Chicago, IL
Contracting Activity: GSA/FAS FURNITURE SYSTEMS MGT DIV, PHILADELPHIA, PA

NSN(s)—Product Name(s):
7520–01–622–7156—Portable Desktop Clipboard with Calculator, 10″ W x 2⅗″ D x 16″ H, Army Green
Designated Source of Suppl: LC Industries, Inc., Durham, NC
Contracting Activity: GSA/FAS ADMIN SVCS ACQUISITION BR(2, NEW YORK, NY

NSN(s)—Product Name(s):
7520–01–587–9633—Pen, Ballpoint, Retractable, 3 Pack, Black, Medium Point
7520–01–587–9650—Pen, Ballpoint, Retractable, Hybrid Ink, 6 Pack, Assorted, Medium Point
7520–01–484–5259—Pen, Ball Point, Retractable, Ergonomic, MD Executive Grip, Burgundy Barrel, Black Ink, Medium Point
7520–01–484–5255—Pen, Ball Point, Retractable, Ergonomic, MD Ergo Grip, Burgundy Barrel, Black Ink, Medium Point
Designated Source of Supply: Industries for the Blind and Visually Impaired, Inc., West Allis, WI
Contracting Activity: GSA/FAS ADMIN SVCS ACQUISITION BR(2, NEW YORK, NY

NSN(s)—Product Name(s):
7510–01–579–9322—Binder, Removable Slant-D Rings, 100% Recyclable, Turned Edge, Dark Green, 3″ Capacity, Letter
Designated Source of Supply: South Texas Lighthouse for the Blind, Corpus Christi, TX
Contracting Activity: STRATEGIC ACQUISITION CENTER, FREDERICKSBURG, VA

NSN(s)—Product Name(s):
7510–01–579–9322—Binder, Removable Slant-D Rings, 100% Recyclable, Turned Edge, Dark Green, 3″ Capacity, Letter
Designated Source of Supply: South Texas Lighthouse for the Blind, Corpus Christi, TX
Contracting Activity: GSA/FAS ADMIN SVCS ACQUISITION BR(2, NEW YORK, NY

NSN(s)—Product Name(s):
7930–00–NIB–0720—Dust Remover, Compressed Gas, 10 oz.
Designated Source of Supply: The Lighthouse for the Blind, St. Louis, MO
Contracting Activity: GSA/FSS GREATER SOUTHWEST ACQUISITI, FORT WORTH, TX

NSN(s)—Product Name(s):
8465–01–519–6132—Load Lifter Attachment Strap, MOLLE Components, Desert Camouflage
8465–01–524–7241—Load Lifter Attachment Strap, MOLLE Components, Universal Camouflage
8465–01–580–1666—Load Lifter Attachment Strap, MOLLE Components, OEFCP
Contracting Activity: DLA TROOP SUPPORT, PHILADELPHIA, PA

NSN(s)—Product Name(s):
8465–01–580–1666—Load Lifter Attachment Strap, MOLLE Components, OEFCP
Contracting Activity: W6QK ACC–APG NATICK, NATICK, MA

NSN(s)—Product Name(s):
8455–01–113–0061—Qualification Badge, Basic Expert, U. S. Army
Designated Source of Supply: Fontana Resources at Work, Fontana, CA
Contracting Activity: DLA TROOP SUPPORT, PHILADELPHIA, PA

NSN(s)—Product Name(s):
6640–00–165–5778—Kit, Urine Specimen Bottles With Mailers
Designated Source of Supply: Alphapointe, Kansas City, MO
Contracting Activity: DLA TROOP SUPPORT, PHILADELPHIA, PA

Service(s)

Service Type: Sourcing, Warehousing, Assembly and Kitting
Mandatory for: Army National Guard Recruiting and Retention Command, Nashville, TN, Houston Barracks, Nashville, TN
Designated Source of Supply: Industries for the Blind and Visually Impaired, Inc., West Allis, WI
Contracting Activity: DEPT OF THE ARMY, W7N1 USPFO ACTIVITY TN ARNG
Service Type: Furniture Design and Configuration Services
Mandatory for: Maine National Guard, Augusta, ME, 194 Winthrop Street, Augusta, ME
Designated Source of Supply: Industries for the Blind and Visually Impaired, Inc., West Allis, WI
Contracting Activity: DEPT OF THE ARMY, W7NC USPFO ACTIVITY ME ARNG

Michael R. Jurkowski,
Acting Director, Business Operation.
[FR Doc. 2021–18495 Filed 8–26–21; 8:45 am]
BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed deletions from the Procurement List.

SUMMARY: The Committee is proposing to delete product(s) and service(s) from the Procurement List that were furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

DATES: Comments must be received on or before: September 26, 2021.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S Clark Street, Suite 715, Arlington, Virginia 22202–4149.

FOR FURTHER INFORMATION CONTACT: For further information or to submit comments contact: Michael R. Jurkowski, Telephone: (703) 785–6404, or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 8503(a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the proposed actions.

Deletions

The following product(s) and service(s) are proposed for deletion from the Procurement List:

Product(s)

NSN(s)—Product Name(s): 8460–01–113–7575—Envelope Case, Map and Photograph
Designated Source of Supply: Open Door Center, Valley City, ND
Contracting Activity: DLA TROOP SUPPORT, PHILADELPHIA, PA

NSN(s)—Product Name(s): 7520–01–619–0302—Portable Desktop Clipboard, 9½″ W x 1½″ D x 13½″ H, Army Green
Designated Source of Supply: LC Industries, Inc., Durham, NC
Contracting Activity: GSA/FAS ADMIN SVCS ACQUISITION BR(2, NEW YORK, NY

NSN(s)—Product Name(s): 7530–01–425–4088—Writing Pad, Self-Stick, Repositionable, Phone Message, Assorted Pastel, 4″ x 5″
Designated Source of Supply: Asso. for the Blind and Visually Impaired-Goodwill Industries of Greater Rochester, Inc., Rochester, NY
Contracting Activity: GSA/FAS ADMIN SVCS ACQUISITION BR(2, NEW YORK, NY

NSN(s)—Product Name(s):
7520–01–451–9180—Pen, Ballpoint, Retractable, Essential LVX, Red, Medium Point
7520–01–451–9183—Pen, Ballpoint, Retractable, Essential LVX, Blue, Fine Point
Designated Source of Supply: Industries for the Blind and Visually Impaired, Inc., West Allis, WI
Contracting Activity: GSA/FAS ADMIN SVCS ACQUISITION BR(2, NEW YORK, NY

NSN(s)—Product Name(s):
7930–01–512–7169—Cleaner, Carpet and Upholstery, 1 Gal
8520–01–512–7757—Soap, Hand, Biobased, Coconut Oil, 1 Gallon
Designated Source of Supply: The Lighthouse for the Blind, St. Louis, MO
Contracting Activity: GSA/FSS GREATER SOUTHWEST ACQUISITI, FORT WORTH, TX

Service(s)

Service Type: Mailing Services
Mandatory for: Department of Housing and Urban Development, 52 Corporate Circle, Albany, NY
Designated Source of Supply: Northeastern Association of the Blind at Albany, Inc., Albany, NY
Contracting Activity: HOUSING AND URBAN DEVELOPMENT, DEPARTMENT OF, DEPT OF HOUSING AND URBAN DEVELOPMENT

Michael R. Jurkowski,

Acting Director, Business Operations.

[FR Doc. 2021–18494 Filed 8–26–21; 8:45 am]

BILLING CODE 6353–01–P

DEPARTMENT OF DEFENSE

Department of the Army

Record of Decision for the Proposed Heavy Off-Road Mounted Maneuver Training Area at Fort Benning, Georgia

AGENCY: Department of the Army, Department of Defense.

ACTION: Notice of availability (NOA).

SUMMARY: The Department of the Army (Army) announces the availability of its Record of Decision (ROD) for the proposed Heavy Off-Road Mounted Maneuver Training Area (HOMMTA) at Fort Benning, Georgia. In accordance with the National Environmental Policy Act (NEPA), the ROD identifies the Army's Selected Alternative (and basis for its selection), the Environmentally Preferred Alternative, and the mitigation measures the Army commits to implement with the Selected Alternative. The ROD is based on the results of the Army's Final Environmental Impact Statement (EIS) that analyzed the potential environmental and socioeconomic impacts associated with constructing, operating, and maintaining a HOMMTA of at least 2,400 contiguous acres at Fort Benning to support off-road mounted maneuver (Proposed Action).

FOR FURTHER INFORMATION CONTACT: Please contact Mr. John Brown, Fort Benning Environmental Management Division, at *john.e.brown12.civ@mail.mil* or (706) 545–7549 between 9 a.m. and 4 p.m. ET. Fort Benning has also established a web page that contains information updates and background on the HOMMTA Final EIS and ROD, including the materials identified in this NOA, at *https://www.benning.army.mil/Garrison/DPW/EMD/HOMMTA/*.

SUPPLEMENTARY INFORMATION: The Proposed Action will support the Maneuver Center of Excellence (MCoE) in its mission to train maneuver soldiers and leaders of the Army and would increase the total amount of heavy off-road maneuver training area on Fort Benning, enabling the Army to conduct realistic training in accordance with current Army training requirements.

The Proposed Action will provide a training area to meet existing training needs; it will not result in additional soldiers, traffic, or any training off of the Installation. Training land development will occur over a 2- to 3-year period; development will primarily include vegetation removal and the construction of tank trails, culverted water crossings, and road upgrades, as well as burying existing overhead utilities. As feasible, buffers will be used to protect environmentally sensitive resources such as streams, wetlands, cemeteries, and archaeological sites.

Fort Benning serves a critical role in supporting the Army's overarching mission. Fort Benning's institutional training provides Army leaders with the opportunity to respond to a wide variety of situations that they can expect to encounter on the modern battlefield. Fort Benning must be able to train and develop highly skilled and cohesive units capable of conducting operations across the full spectrum of potential conflicts. Inherent in and vital to training Infantry and Armor soldiers and leaders properly is the requirement to provide sufficient heavy off-road mounted maneuver training area.

Currently, the only training area at Fort Benning suitable for heavy off-road mounted maneuver training is the Good Hope Maneuver Training Area (GHMTA), which contains various environmental constraints that cannot support the maneuver training requirements of the MCoE. As such, Fort Benning proposed to construct a new HOMMTA with sufficient contiguous area to enable all units and courses to complete required cross-domain movement and maneuver training.

The Final EIS, published on February 26, 2021 and supported by other studies, analyses, and permit applications to meet Federal requirements (*e.g.,* the Endangered Species Act and Clean Water Act), analyzed the potential environmental and socioeconomic impacts associated with the Proposed Action, including direct, indirect, and cumulative effects. The Final EIS responded to comments received on the Draft EIS. The Final EIS also identified mitigation measures that the Army may implement to reduce potential adverse impacts.

The Army studied three reasonable Action Alternatives (*i.e.,* three distinct locations on Fort Benning where a HOMMTA could be constructed) that would meet the purpose of and need for the Proposed Action:

Alternative 1 (Preferred Alternative): Northern Mounted Maneuver Training Area Alternative: This alternative includes approximately 4,724 acres and is located adjacent to and east of the current Northern Maneuver Training Area and west of and near Fort Benning's Digital Multi-Purpose Range Complex (DMPRC).

Of the Action Alternatives, Alternative 1 would provide the most preferable size and configuration to enable high-quality heavy off-road mounted maneuver training. Accordingly, the Army identified Alternative 1 as the Preferred Alternative to implement the Proposed Action in the Draft and Final EIS.

Alternative 2: Red Diamond Alternative: This alternative includes approximately 3,744 acres and is located south of the Southern Maneuver Training Area (SMTA) near the Installation's southern boundary.

Alternative 3: Eastern Boundary Alternative: This alternative includes

approximately 2,405 acres and is located between the northern dudded impact area and the Installation's eastern boundary.

The Army also analyzed the No Action Alternative in detail. While the No Action Alternative would not satisfy the purpose of or need for the Proposed Action, it was retained to provide a comparative baseline against which to analyze the effects of the Action Alternatives as required under the Council on Environmental Quality's NEPA Regulations.

During formal consultation with the US Fish and Wildlife Service, the Army determined that potential moderate adverse impacts on the federally listed red-cockaded woodpecker (RCW) would occur primarily from removal of clusters and habitat during HOMMTA construction, resulting in up to 11 ''incidental takes.'' The HOMMTA Biological Opinion, however, reached the conclusion that the Army can reduce those potential adverse impacts through mitigation, and implementation of the HOMMTA with Alternative 1 would not jeopardize recovery of the RCW.

Potential impacts to Unique Ecological Areas, a subcomponent of biological resources, may be significant if they cannot be fully avoided with implementation of Alternative 1. No other resource is anticipated to experience significant adverse impacts.

Based on the analysis presented in the Final EIS, the No Action Alternative is the Environmentally Preferred Alternative. Of the Action Alternatives, Alternative 2 is the Environmentally Preferred Alternative. Considering potential environmental and socioeconomic impacts, national defense needs, Fort Benning's mission requirements, and the purpose of and need for the Proposed Action, however, the Army has selected Alternative 1 (*i.e.,* the Army's Preferred Alternative) to implement the Proposed Action. The Army determined that Alternative 1 strikes a proper balance between providing environmental protection and achieving the Army's training requirements.

The Army received several comments during the Final EIS waiting period. The Army took these comments into account in making its decision; however, the comments do not present information that constitutes significant new circumstances or information relevant to environmental concerns that would require supplementation of the EIS.

The ROD formally adopts numerous mitigation measures that the Army will implement to reduce potential adverse environmental impacts under Alternative 1. All practicable means to avoid or minimize environmental harm from the Selected Alternative have been adopted. Mitigation measures that the Army considered but does not adopt at this time are listed in the Draft Mitigation and Monitoring Plan in the Final EIS with explanations of why those mitigation measures were considered not practical or necessary.

An electronic copy of the ROD is posted on the HOMMTA EIS web page at *https://www.benning.army.mil/Garrison/DPW/EMD/HOMMTA.* Additionally, interested parties may contact Mr. John Brown (see **FOR FURTHER INFORMATION CONTACT**) to request a printed copy.

Publication of the ROD formally concludes the NEPA planning process for this Proposed Action, acknowledging that the Army will implement the adopted mitigation measures as identified in the ROD. The Army will implement Alternative 1, including all mitigation measures identified in the ROD, as described in the Final EIS.

James W. Satterwhite, Jr.,

Army Federal Register Liaison Officer.

[FR Doc. 2021–18465 Filed 8–26–21; 8:45 am]

BILLING CODE 5061–AP–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2021–OS–0035]

Submission for OMB Review; Comment Request

AGENCY: Office of the Under Secretary of Defense for Intelligence, Department of Defense (DoD).

ACTION: 30-Day information collection notice.

SUMMARY: The Department of Defense has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by September 27, 2021.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Angela Duncan, 571–372–7574, or *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Federal Background Investigation and Personnel Vetting Investigative Request Forms (INV 40–44); INV Forms 40–44; OMB Control Number 0705–0003.

Type of Request: Revision.

Number of Respondents: 2,591,229.

Responses per Respondent: 1.

Annual Responses: 2,591,229.

Average Burden per Response: 5 minutes.

Annual Burden Hours: 215,935.75.

Needs and Uses: The information collected on the INV Forms 40–44 is used for Federal and Federal contract employment. The forms are used to collect information from a multitude of record sources to support federal background investigation and personnel vetting processes such as: investigations and determinations of eligibility for access to classified national security information, and for access to special access programs; suitability for federal employment; fitness of contractor personnel to perform work for or on behalf of the U.S. Government; and Homeland Security Presidential Directive (HSPD)-12 determinations for Personal Identity Verification (PIV) credentials to gain logical or physical access to government facilities and systems. The content of the INV forms is also designed to meet notice requirements for personnel investigations specified by 5 CFR 736.102(c). These notice requirements apply to any ''investigation . . . to determine the suitability, eligibility, or qualifications of individuals for Federal employment, for work on Federal contracts, or for access to classified information or restricted areas.'' None of the forms are used for any purpose other than a personnel background investigation, as described above.

Affected Public: Individuals or households; Businesses or other for-profit; Not-for-profit Institutions; State, Local or Tribal Government.

Frequency: As Required.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Ms. Jasmeet Seehra.

You may also submit comments and recommendations, identified by Docket ID number and title, by the following method:

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

Instructions: All submissions received must include the agency name, Docket ID number, and title for this **Federal**

Register document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

DOD Clearance Officer: Ms. Angela Duncan.

Requests for copies of the information collection proposal should be sent to Ms. Duncan at *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil*.

Dated: August 24, 2021.

Kayyonne T. Marston,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2021–18542 Filed 8–26–21; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2021–SCC–0127]

Agency Information Collection Activities; Comment Request; Third Party Authorization 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 a new collection.

DATES: Interested persons are invited to submit comments on or before October 26, 2021.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2021–SCC–0127. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. If the *regulations.gov* site is not available to the public for any reason, ED will temporarily accept comments at *ICDocketMgr@ed.gov*. Please include the docket ID number and the title of the information collection request when requesting documents or submitting comments. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the PRA Coordinator of the Strategic Collections and Clearance Governance and Strategy Division, U.S. Department of Education, 400 Maryland Ave SW, LBJ, Room 6W208D, Washington, DC 20202–8240.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Beth Grebeldinger, 202–377–4018.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Third Party Authorization Form.

OMB Control Number: 1845–NEW.

Type of Review: A new collection.

Respondents/Affected Public: Individuals and Households.

Total Estimated Number of Annual Responses: 25,000.

Total Estimated Number of Annual Burden Hours: 100,000.

Abstract: This is a request for a new information collection for a third-party authorization form to be used by federal student loan borrowers to designate or revoke a designation of an individual or organization to represent the borrower in matters related to their federally held student loans. The Department has revised the initially proposed form. This revised form will continue to standardize the way that borrowers provide privacy act releases and authorization for a third party to take action on borrowers' federal student loan accounts held by various servicers. This will standardize processes and help borrowers and their third-party representatives when loans transfer between servicers. This information collection stems from the Privacy Act of 1974 and the common law legal principles of agency, which is not reflected in the Department's statute or regulations, but with which the Department must comply or which the Department supports.

Dated: August 24, 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. 2021–18534 Filed 8–26–21; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP21–1043–000.

Applicants: NRG Power Marketing LLC, Direct Energy Business Marketing, LLC.

Description: Joint Petition for Limited Waiver of Capacity Release Regulations, et al. of NRG Power Marketing LLC, et al.

Filed Date: 8/20/21.

Accession Number: 20210820–5248.

Comment Date: 5 p.m. ET 9/1/21.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf*. For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: August 23, 2021.

Kimberly D. Bose,

Secretary.

[FR Doc. 2021–18499 Filed 8–26–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EF21–3–000]

Bonneville Power Administration; Notice of Filing

Take notice that on July 30, 2021, Bonneville Power Administration submitted tariff filing: BP–22 Rate Filing Parts 1, 2, and 3—Proposed FY 2022–2023 Wholesale Power and Transmission Rate Adjustment.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://ferc.gov*) using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact the Federal Energy Regulatory Commission at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on August 30, 2021.

Dated: August 23, 2021.

Kimberly D. Bose,

Secretary.

[FR Doc. 2021–18497 Filed 8–26–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP21–134–000]

Transcontinental Gas Pipe Line Company, LLC; Notice of Scoping Period Requesting Comments on Environmental Issues for the Proposed Happytown Abandonment Project

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental document that will discuss the environmental impacts of the Happytown Abandonment Project involving abandonment of facilities by Transcontinental Gas Pipe Line Company, LLC (Transco) in Pointe Coupée Parish, Louisiana. The Commission will use this environmental document in its decision-making process.

This notice announces the opening of the scoping process the Commission will use to gather input from the public and interested agencies regarding the project. As part of the National Environmental Policy Act (NEPA) review process, the Commission takes into account concerns the public may have about proposals and the environmental impacts that could result from its action whenever it considers the issuance of an authorization. This gathering of public input is referred to as ''scoping.'' The main goal of the scoping process is to focus the analysis in the environmental document on the important environmental issues. Additional information about the Commission's NEPA process is described below in the *NEPA Process and Environmental Document* section of this notice.

By this notice, the Commission requests public comments on the scope of issues to address in the environmental document. To ensure that your comments are timely and properly recorded, please submit your comments so that the Commission receives them in Washington, DC on or before 5:00pm Eastern Time on September 21, 2021. Comments may be submitted in written form. Further details on how to submit comments are provided in the *Public Participation* section of this notice.

Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. Your input will help the Commission staff determine what issues they need to evaluate in the environmental document. Commission staff will consider all written comments during the preparation of the environmental document.

If you submitted comments on this project to the Commission before the opening of this docket on April 8, 2021, you will need to file those comments in Docket No. CP21–134–000 to ensure they are considered as part of this proceeding.

This notice is being sent to the Commission's current environmental mailing list for this project. State and local government representatives should notify their constituents of this proposed project and encourage them to comment on their areas of concern.

If you are a landowner receiving this notice, a pipeline company representative may contact you about the acquisition of an easement to construct, operate, and maintain the proposed facilities. The company would seek to negotiate a mutually acceptable easement agreement. You are not required to enter into an agreement. However, if the Commission approves the project, the Natural Gas Act conveys the right of eminent domain to the company. Therefore, if you and the company do not reach an easement agreement, the pipeline company could initiate condemnation proceedings in court. In such instances, compensation would be determined by a judge in accordance with state law. The Commission does not subsequently grant, exercise, or oversee the exercise of that eminent domain authority. The courts have exclusive authority to handle eminent domain cases; the Commission has no jurisdiction over these matters.

Transco provided landowners with a fact sheet prepared by the FERC entitled ''An Interstate Natural Gas Facility On My Land? What Do I Need To Know?'' which addresses typically asked questions, including the use of eminent domain and how to participate in the Commission's proceedings. This fact

sheet along with other landowner topics of interest are available for viewing on the FERC website (*www.ferc.gov*) under the Natural Gas Questions or Landowner Topics link.

Public Participation

There are three methods you can use to submit your comments to the Commission. Please carefully follow these instructions so that your comments are properly recorded. The Commission encourages electronic filing of comments and has staff available to assist you at (866) 208–3676 or *FercOnlineSupport@ferc.gov.*

(1) You can file your comments electronically using the eComment feature, which is located on the Commission's website (*www.ferc.gov*) under the link to FERC Online. Using eComment is an easy method for submitting brief, text-only comments on a project;

(2) You can file your comments electronically by using the eFiling feature, which is located on the Commission's website (*www.ferc.gov*) under the link to FERC Online. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''eRegister.'' You will be asked to select the type of filing you are making; a comment on a particular project is considered a ''Comment on a Filing''; or

(3) You can file a paper copy of your comments by mailing them to the Commission. Be sure to reference the project docket number (CP21–134–000) on your letter. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

Additionally, the Commission offers a free service called eSubscription which makes it easy to stay informed of all issuances and submittals regarding the dockets/projects to which you subscribe. These instant email notifications are the fastest way to receive notification and provide a link to the document files which can reduce the amount of time you spend researching proceedings. Go to *https://www.ferc.gov/ferc-online/overview* to register for eSubscription.

Summary of the Proposed Project

Transco proposes to abandon facilities comprising of 8-, 10-, and 12-inch-diameter pipeline segments totaling approximately 29.6 miles, as well as appurtenant facilities. The Happytown Abandonment Project would abandon inactive facilities, which would have no impact on Transco's operations and the ability of Transco's Mainlines A, B, and C to provide natural gas service. According to Transco the system ceased production several years ago due to diminished reserves. Happytown A, B, and the Sun Fordoche Lateral were taken out of service in various stages between 1993 and 1998.

The Happytown Abandonment Project would consist of the following facilities:

- Approximately 15.1 miles of 8-inch-diameter natural gas pipeline;
- approximately 6.8 miles of 8-inch-diameter natural gas pipeline;
- approximately 4.1 miles of 10-inch-diameter natural gas pipeline; and
- the Sun Fordoche Lateral—an approximately 3.6-mile-long, 12-inch-diameter pipeline.

The general location of the project facilities is shown in appendix 1.[1]

Land Requirements for Construction

Abandonment activities of the proposed facilities would disturb about 141 acres of land for the aboveground facilities and the pipeline. No land would be used for operations.

NEPA Process and the Environmental Document

Any environmental document issued by the Commission will discuss impacts that could occur as a result of the abandonment of the project facilities under the relevant general resource areas:

- Geology and soils;
- water resources and wetlands;
- vegetation and wildlife;
- threatened and endangered species;
- cultural resources;
- land use;
- air quality and noise; and
- reliability and safety.

Commission staff will also evaluate reasonable alternatives to the proposed project or portions of the project and make recommendations on how to lessen or avoid impacts on the various resource areas. Your comments will help Commission staff identify and focus on the issues that might have an effect on the human environment and potentially eliminate others from further study and discussion in the environmental document.

Following this scoping period, Commission staff will determine whether to prepare an Environmental Assessment (EA) or an Environmental Impact Statement (EIS). The EA or the EIS will present Commission staff's independent analysis of the issues. If Commission staff prepares an EA, a *Notice of Schedule for the Preparation of an Environmental Assessment* will be issued. The EA may be issued for an allotted public comment period. The Commission would consider timely comments on the EA before making its decision regarding the proposed project. If Commission staff prepares an EIS, a *Notice of Intent to Prepare an EIS/Notice of Schedule* will be issued, which will open up an additional comment period. Staff will then prepare a draft EIS which will be issued for public comment. Commission staff will consider all timely comments received during the comment period on the draft EIS and revise the document, as necessary, before issuing a final EIS. Any EA or draft and final EIS will be available in electronic format in the public record through eLibrary[2] and the Commission's natural gas environmental documents web page (*https://www.ferc.gov/industries-data/natural-gas/environment/environmental-documents*). If eSubscribed, you will receive instant email notification when the environmental document is issued.

With this notice, the Commission is asking agencies with jurisdiction by law and/or special expertise with respect to the environmental issues of this project to formally cooperate in the preparation of the environmental document.[3] Agencies that would like to request cooperating agency status should follow the instructions for filing comments provided under the *Public Participation* section of this notice.

Consultation Under Section 106 of the National Historic Preservation Act

In accordance with the Advisory Council on Historic Preservation's

[1] The appendices referenced in this notice will not appear in the **Federal Register**. Copies of the appendices were sent to all those receiving this notice in the mail and are available at *www.ferc.gov* using the link called ''eLibrary''. For instructions on connecting to eLibrary, refer to the last page of this notice. At this time, the Commission has suspended access to the Commission's Public Reference Room due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease. (COVID–19), issued by the President on March 13, 2020. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll free, (886) 208–3676 or TTY (202) 502–8659.

[2] For instructions on connecting to eLibrary, refer to the last page of this notice.

[3] The Council on Environmental Quality regulations addressing cooperating agency responsibilities are at Title 40, Code of Federal Regulations, Section 1501.8.

implementing regulations for section 106 of the National Historic Preservation Act, the Commission is using this notice to initiate consultation with the applicable State Historic Preservation Office(s), and to solicit their views and those of other government agencies, interested Indian tribes, and the public on the project's potential effects on historic properties. The environmental document for this project will document findings on the impacts on historic properties and summarize the status of consultations under section 106.

Environmental Mailing List

The environmental mailing list includes, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American Tribes; other interested parties; and local libraries and newspapers. This list also includes all affected landowners (as defined in the Commission's regulations) who are potential right-of-way grantors, whose property may be used temporarily for project purposes, or who own homes within certain distances of aboveground facilities, and anyone who submits comments on the project and includes a mailing address with their comments. Commission staff will update the environmental mailing list as the analysis proceeds to ensure that Commission notices related to this environmental review are sent to all individuals, organizations, and government entities interested in and/or potentially affected by the proposed project.

If you need to make changes to your name/address, or if you would like to remove your name from the mailing list, please complete one of the following steps:

(1) Send an email to *GasProjectAddressChange@ferc.gov* stating your request. You must include the docket number CP21–134–000 in your request. If you are requesting a change to your address, please be sure to include your name and the correct address. If you are requesting to delete your address from the mailing list, please include your name and address as it appeared on this notice. This email address is unable to accept comments.

OR

(2) Return the attached ''Mailing List Update Form'' (appendix 2).

Additional Information

Additional information about the project is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC website at *www.ferc.gov* using the eLibrary link. Click on the eLibrary link, click on ''General Search'' and enter the docket number in the ''Docket Number'' field. Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or (866) 208–3676, or for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

Public sessions or site visits will be posted on the Commission's calendar located at *https://www.ferc.gov/news-events/events* along with other related information.

Dated: August 23, 2021.

Kimberly D. Bose,

Secretary.

[FR Doc. 2021–18498 Filed 8–26–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC21–119–000.

Applicants: CID Solar, LLC, Cottonwood Solar, LLC, Dominion Solar Gen-Tie, LLC, Pavant Solar LLC, RE Camelot LLC, RE Columbia, LLC, RE Columbia Two LLC.

Description: Application for Authorization Under Section 203 of the Federal Power Act of CID Solar, LLC, et al.

Filed Date: 8/20/21.

Accession Number: 20210820–5250.

Comment Date: 5 p.m. ET 9/10/21.

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG21–223–000.

Applicants: Fairbanks Solar Energy Center LLC.

Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Fairbanks Solar Energy Center LLC.

Filed Date: 8/19/21.

Accession Number: 20210819–5127.

Comment Date: 5 p.m. ET 9/9/21.

Docket Numbers: EG21–224–000.

Applicants: PGR 2021 Lessee 7, LLC.

Description: Notice of Self-Certification of Exempt Wholesale Generator of EG or FC of PGR 2021 Lessee 7, LLC.

Filed Date: 8/23/21.

Accession Number: 20210823–5129.

Comment Date: 5 p.m. ET 9/13/21.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER20–1282–001.

Applicants: Midcontinent Independent System Operator, Inc., American Transmission Company LLC.

Description: Compliance filing: Midcontinent Independent System Operator, Inc. submits tariff filing per 35: 2021–08–23_ATC Order 864 Compliance Filing to be effective 1/27/2020.

Filed Date: 8/23/21.

Accession Number: 20210823–5178.

Comment Date: 5 p.m. ET 9/13/21.

Docket Numbers: ER20–2607–001.

Applicants: New England Power Company.

Description: Compliance filing: Amended Order No. 864 Compliance Filing re Seabrook Transmission Support Agmt to be effective 1/27/2020.

Filed Date: 8/20/21.

Accession Number: 20210820–5196.

Comment Date: 5 p.m. ET 9/10/21.

Docket Numbers: ER20–2608–001.

Applicants: Public Service Company of New Hampshire.

Description: Compliance filing: Order No. 864 Compliance Filing, RM19–5 to be effective 1/27/2020.

Filed Date: 8/20/21.

Accession Number: 20210820–5207.

Comment Date: 5 p.m. ET 9/10/21.

Docket Numbers: ER21–1866–002.

Applicants: Otter Tail Power Company.

Description: Tariff Amendment: Amendment to Filing re Schedule and Appendices of OMA 230kV Bemidji-Grand Rapids to be effective 10/22/2021.

Filed Date: 8/23/21.

Accession Number: 20210823–5165.

Comment Date: 5 p.m. ET 9/13/21.

Docket Numbers: ER21–2164–001.

Applicants: MATL LLP.

Description: Compliance filing: Order No. 676 Amended Waiver Filing ER21–2164 to be effective 5/15/2015.

Filed Date: 8/23/21.

Accession Number: 20210823–5109.

Comment Date: 5 p.m. ET 9/13/21.

Docket Numbers: ER21–2304–000; ER21–2294–000.

Applicants: Arlington Energy Center II, LLC, Arlington Solar, LLC.

Description: Supplement to June 30, 2021 Arlington Energy Center II, LLC, et al.

Filed Date: 8/17/21.

Accession Number: 20210817–5171.

Comment Date: 5 p.m. ET 8/30/21.

Docket Numbers: ER21–2731–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Original WMPA, Service Agreement No. 6153; Queue No. AG1–498 to be effective 7/21/2021.

Filed Date: 8/20/21.

Accession Number: 20210820–5189.

Comment Date: 5 p.m. ET 9/10/21.

Docket Numbers: ER21–2733–000.

Applicants: PJM Interconnection, L.L.C.

Description: Tariff Amendment: Notice of Cancellation of ISA, No. 5072; Queue No. AB2–129 to be effective 5/22/2021.

Filed Date: 8/23/21.

Accession Number: 20210823–5074.

Comment Date: 5 p.m. ET 9/13/21.

Docket Numbers: ER21–2734–000.

Applicants: SE Athos I, LLC.

Description: § 205(d) Rate Filing: Filing of Shared Facilities and Shared Land Rights Agmt and Request for Waivers to be effective 8/25/2021.

Filed Date: 8/23/21.

Accession Number: 20210823–5111.

Comment Date: 5 p.m. ET 9/13/21.

Docket Numbers: ER21–2735–000.

Applicants: California Independent System Operator Corporation.

Description: § 205(d) Rate Filing: 2021–08–23 MEEA No. 2 Time Ext—WAPA to be effective 11/1/2021.

Filed Date: 8/23/21.

Accession Number: 20210823–5116.

Comment Date: 5 p.m. ET 9/13/21.

Docket Numbers: ER21–2736–000.

Applicants: Duke Energy Carolinas, LLC.

Description: § 205(d) Rate Filing: DEC Revised Depreciation Rate Schedule No. 514 to be effective 4/1/2021.

Filed Date: 8/23/21.

Accession Number: 20210823–5159.

Comment Date: 5 p.m. ET 9/13/21.

Docket Numbers: ER21–2737–000.

Applicants: Duke Energy Progress, LLC.

Description: § 205(d) Rate Filing: DEP Revised Depreciation Rates in Rate Schedule No. 199 to be effective 4/1/2021.

Filed Date: 8/23/21.

Accession Number: 20210823–5179.

Comment Date: 5 p.m. ET 9/13/21.

Docket Numbers: ER21–2738–000.

Applicants: NECEC Transmission LLC.

Description: § 205(d) Rate Filing: Bilateral, Cost-Based TSAs Incorporating Third Amendments (Eversource) to be effective 8/24/2021.

Filed Date: 8/23/21.

Accession Number: 20210823–5183.

Comment Date: 5 p.m. ET 9/13/21.

Docket Numbers: ER21–2739–000.

Applicants: NECEC Transmission LLC.

Description: § 205(d) Rate Filing: Bilateral, Cost-Based TSAs Incorporating Third Amendments (National Grid) to be effective 8/24/2021.

Filed Date: 8/23/21.

Accession Number: 20210823–5184.

Comment Date: 5 p.m. ET 9/13/21.

Docket Numbers: ER21–2740–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Original ISA, Service Agreement No. 6154; Queue No. AE1–185 to be effective 7/27/2021.

Filed Date: 8/23/21.

Accession Number: 20210823–5185.

Comment Date: 5 p.m. ET 9/13/21.

Docket Numbers: ER21–2741–000.

Applicants: SE Athos II, LLC.

Description: § 205(d) Rate Filing: Certificate of Concurrence to be effective 8/25/2021.

Filed Date: 8/23/21.

Accession Number: 20210823–5186.

Comment Date: 5 p.m. ET 9/13/21.

Docket Numbers: ER21–2742–000.

Applicants: NECEC Transmission LLC.

Description: § 205(d) Rate Filing: Bilateral, Cost-Based TSAs Incorporating Third Amendments (Unitil) to be effective 8/24/2021.

Filed Date: 8/23/21.

Accession Number: 20210823–5187.

Comment Date: 5 p.m. ET 9/13/21.

Docket Numbers: ER21–2743–000.

Applicants: NECEC Transmission LLC.

Description: § 205(d) Rate Filing: Bilateral, Cost-Based TSAs Incorporating Third Amendments (HQUS Eversource) to be effective 8/24/2021.

Filed Date: 8/23/21.

Accession Number: 20210823–5189.

Comment Date: 5 p.m. ET 9/13/21.

Docket Numbers: ER21–2744–000.

Applicants: NECEC Transmission LLC.

Description: § 205(d) Rate Filing: Bilateral, Cost-Based TSAs Incorporating Third Amendments (HQUS National Grid) to be effective 8/24/2021.

Filed Date: 8/23/21.

Accession Number: 20210823–5190.

Comment Date: 5 p.m. ET 9/13/21.

Docket Numbers: ER21–2745–000.

Applicants: NECEC Transmission LLC.

Description: § 205(d) Rate Filing: Bilateral, Cost-Based TSAs Incorporating Third Amendments (HQUS Unitil) to be effective 8/24/2021.

Filed Date: 8/23/21.

Accession Number: 20210823–5195.

Comment Date: 5 p.m. ET 9/13/21.

Docket Numbers: ER21–2746–000.

Applicants: Freeport McMoRan Copper & Gold Energy Services LLC.

Description: Report Regarding Wholesale Sales of Electricity in the Western Electricity Coordinating Council of Freeport-McMoRan Copper & Gold Energy Services, LLC.

Filed Date: 8/20/21.

Accession Number: 20210820–5252.

Comment Date: 5 p.m. ET 9/10/21.

Docket Numbers: ER21–2747–000.

Applicants: NECEC Transmission LLC.

Description: § 205(d) Rate Filing: Bilateral, Cost-Based TSAs Incorporating Third Amendments (HQUS Additional) to be effective 8/24/2021.

Filed Date: 8/23/21.

Accession Number: 20210823–5196.

Comment Date: 5 p.m. ET 9/13/21.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf*. For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: August 23, 2021.

Kimberly D. Bose,

Secretary.

[FR Doc. 2021–18500 Filed 8–26–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. 1–9–000]

The Office of Public Participation; Notice of Virtual Workshop on Technical Assistance

Take notice that the Federal Energy Regulatory Commission (Commission) staff, in conjunction with the U.S.

Department of Energy's Pacific Northwest National Laboratory (PNNL), will convene, in the above-referenced proceeding, a virtual workshop on September 16, 2021, from 1:00 p.m. to 4:30 p.m. Eastern time, to discuss technical assistance in electric proceedings, solicit public input on their technical assistance needs, and explore ways the Office of Public Participation (OPP) could work with external entities to facilitate technical assistance to interested parties. The workshop will be held remotely.

The workshop will include a panelist discussion on technical assistance followed by facilitated break-out sessions for attendees to discuss their technical assistance needs. The workshop will explore barriers preventing the public, including consumers and consumer advocates, from fully participating in Commission proceedings and explore how OPP can facilitate technical assistance.

The workshop will be open for the public to attend, and there is no fee for attendance. Further details on the agenda, including registration information, can be found on the PNNL website. Information on this technical workshop will also be posted on the Calendar of Events on the Commission's website, *www.ferc.gov,* prior to the event.

The workshop will be accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations, please send an email to *accessibility@ferc.gov* or call toll free 1–866–208–3372 (voice) or 202–502–8659 (TTY), or send a FAX to 202–208–2106 with the required accommodations.

For more information about the workshop, please contact Corey Cox of the Commission's Office of Public Participation at 202–502–6848 or send an email to *OPPWorkshop@ferc.gov.*

Dated: August 23, 2021.

Kimberly D. Bose,

Secretary.

[FR Doc. 2021–18502 Filed 8–26–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 3777–011]

Town of Rollinsford, New Hampshire; Notice of Availability of Environmental Assessment

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR part 380, the Office of Energy Projects has reviewed the application for a subsequent license for the Rollinsford Hydroelectric Project No. 3777, located on the Salmon Falls River in Strafford County, New Hampshire and York County, Maine, and has prepared an Environmental Assessment (EA) for the project. No federal land would be occupied by project works or located within the project boundary.

The EA contains staff's analysis of the potential environmental impacts of the project and concludes that licensing the project, with appropriate environmental protective measures, would not constitute a major federal action that would significantly affect the quality of the human environment.

The Commission provides all interested persons with an opportunity to view and/or print the EA via the internet through the Commission's Home Page (*http://www.ferc.gov*) using the ''eLibrary'' link. Enter the docket number, excluding the last three digits in the docket number field, to access the document. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or for TTY, (202) 502–8659.

You may also register online at *https://ferconline.ferc.gov/eSubscription.aspx* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

Any comments should be filed within 45 days from the date of this notice.

The Commission strongly encourages electronic filing. Please file comments using the Commission's eFiling system at *https://ferconline.ferc.gov/eFiling.aspx.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *https://ferconline.ferc.gov/QuickComment.aspx.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support. In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include docket number P–3777–011.

For further information, contact William Connelly at (202) 502–8587, or at *william.connelly@ferc.gov*.

Dated: August 23, 2021.

Kimberly D. Bose,

Secretary.

[FR Doc. 2021–18496 Filed 8–26–21; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2021–0083; FRL–8793–03–OCSPP]

Pesticide Product Registration; Receipt of Applications for New Active Ingredients—August 2021

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received applications to register pesticide products containing active ingredients not included in any currently registered pesticide products. Pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), EPA is hereby providing notice of receipt and opportunity to comment on these applications.

DATES: Comments must be received on or before September 27, 2021.

ADDRESSES: Submit your comments, identified by docket identification (ID) number and the File Symbol 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 *https://www.epa.gov/dockets/about-epa-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; 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).

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 *https://www.epa.gov/dockets/commenting-epa-dockets.*

II. Registration Applications

EPA has received applications to register pesticide products containing active ingredients not included in any currently registered pesticide products. Pursuant to the provisions of FIFRA section 3(c)(4) (7 U.S.C. 136a(c)(4)), EPA is hereby providing notice of receipt and opportunity to comment on these applications. Notice of receipt of these applications does not imply a decision by the Agency on these applications. For actions being evaluated under EPA's public participation process for registration actions, there will be an additional opportunity for public comment on the proposed decisions. Please see EPA's public participation website for additional information on this process (*http://www2.epa.gov/pesticide-registration/public-participation-process-registration-actions*).

Notice of Receipt—New Active Ingredients

1. File Symbol: 264–RERA. *Docket ID number:* EPA–HQ–OPP–2021–0435. *Applicant:* Bayer CropScience, 800 N. Lindbergh Blvd. St. Louis, MO 63167. *Product name:* Diflufenican SC600 Herbicide. *Active ingredient:* Herbicide—Diflufenican at 16.95%. *Proposed use:* Soybean. *Contact:* RD.

2. File Symbol: 264–RERG. *Docket ID number:* EPA–HQ–OPP–2021–0435. *Applicant:* Bayer CropScience, 800 N Lindbergh Blvd., St. Louis, MO 63167. *Product name:* Diflufenican SC500 Herbicide. *Active ingredient:* Herbicide—Diflufenican at 42.37%. *Proposed use:* Corn and Soybean. *Contact:* RD.

3. File Symbol: 264–RERL. *Docket ID number:* EPA–HQ–OPP–2021–0435. *Applicant:* Bayer CropScience, 800 N Lindbergh Blvd., St. Louis, MO 63167. *Product name:* Diflufenican SC619 Herbicide. *Active ingredient:* Herbicide—Diflufenican at 8.85%. *Proposed use:* Soybean. *Contact:* RD.

4. File Symbol: 264–RERT. *Docket ID number:* EPA–HQ–OPP–2021–0435. *Applicant:* Bayer CropScience, 800 N Lindbergh Blvd., St. Louis, MO 63167. *Product name:* Diflufenican TC. *Active ingredient:* Herbicide—Diflufenican at 99%. *Proposed use:* Corn and Soybean. *Contact:* RD.

5. File Symbol: 264–RERU. *Docket ID number:* EPA–HQ–OPP–2021–0435. *Applicant:* Bayer CropScience, 800 N Lindbergh Blvd., St. Louis, MO 63167. *Product name:* Diflufenican SC617 Herbicide. *Active ingredient:* Herbicide—Diflufenican at 20.4%. *Proposed use:* Corn. *Contact:* RD.

Authority: 7 U.S.C. 136 *et seq.*

Dated: August 16, 2021.

Delores Barber,

Director, Information Technology and Resources Management Division, Office of Program Support.

[FR Doc. 2021–18488 Filed 8–26–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2020–0144; FRL–8315–02–OCSPP]

Product Cancellation Order for Certain Pesticide Registrations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's order for the cancellations, voluntarily requested by the registrants and accepted by the Agency, of the products listed in Table 1 and Table 2 of Unit II, pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). This cancellation order follows a February 9, 2021 **Federal Register** Notice of Receipt of Requests from the registrants listed in Table 3 of Unit II to voluntarily cancel these product registrations. In the February 9, 2021 notice, EPA indicated that it would issue an order implementing the cancellations, unless the Agency received substantive comments within the 180-day comment period that would merit its further review of these requests, or unless the registrants withdrew their requests. The Agency did not receive any comments on the notice. Further, the registrants did not withdraw their requests. Accordingly, EPA hereby issues in this notice a cancellation order granting the requested cancellations. Any distribution, sale, or use of the products subject to this cancellation order is permitted only in accordance with the terms of this order, including any existing stocks provisions.

DATES: The cancellations are effective August 27, 2021.

FOR FURTHER INFORMATION CONTACT: Christopher Green, Registration Division (7502P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (703) 347–0367; email address: *green.christopher@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general and may be of interest to a wide range of stakeholders including environmental, human health, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides. Since others also may be interested, the Agency has not attempted to describe all

the specific entities that may be affected by this action.

B. How can I get copies of this document and other related information?

The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2020–0144, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket 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*.

II. What action is the Agency taking?

This notice announces the cancellation, as requested by registrants, of products registered under FIFRA section 3 (7 U.S.C. 136a). These registrations are listed in sequence by registration number in Table 1 and Table 2 of this unit.

TABLE 1—PRODUCT CANCELLATIONS

Registration No.	Company No.	Product name	Active ingredients
100–1117	100	Touchdown Herbicide	Glyphosate.
100–1121	100	Touchdown Pro Herbicide	Glyphosate.
100–1122	100	Touchdown Liquid Concentrate	Glyphosate.
100–1157	100	Touchdown CF Herbicide	Glycine, N-(phosphonomethyl)-, diammonium salt.
100–1179	100	Touchdown Diquat Home and Garden Concentrate	Diquat dibromide & Glyphosate.
100–1182	100	Touchdown Hitech Herbicide	Glycine, N-(phosphonomethyl)- potassium salt.
100–1212	100	Touchdown CT Herbicide	Glycine, N-(phosphonomethyl)- potassium salt.
100–1362	100	Refuge Herbicide	Glycine, N-(phosphonomethyl)- potassium salt.

The registrant of the products listed in Table 1 of Unit II, requested the effective date of the cancellations to be November 02, 2020.

TABLE 2—PRODUCT CANCELLATIONS

Registration No.	Company No.	Product name	Active ingredients
241–343	241	Tri-4 HF Herbicide	Trifluralin.
7969–88	7969	Poast Plus Herbicide	Sethoxydim.
7969–194	7969	Rezult Herbicide	Sethoxydim.
7969–277	7969	BAS 800 02/03 Powered by Kixor Herbicide	Saflufenacil.
7969–294	7969	Sethoxydim Manufacturer's Use Product	Sethoxydim.

Table 3 of this unit includes the names and addresses of record for all registrants of the products in Table 1 and Table 2 of this unit, in sequence by EPA company number. This number corresponds to the first part of the EPA registration numbers of the products listed in Table 1 and Table 2 of this unit.

TABLE 3—REGISTRANTS OF CANCELLED PRODUCTS

EPA company No.	Company name and address
100	Syngenta Crop Protection, LLC, 410 Swing Road, P.O. Box 18300, Greensboro, NC 27419–8300.
241	BASF Corporation, 26 Davis Drive, P.O. Box 13528, Research Triangle Park, NC 27709–3528.
7969	BASF Corporation, Agricultural Products Division, 26 Davis Drive, P.O. Box 13528, Research Triangle Park, NC 27709–3528.

III. Summary of Public Comments Received and Agency Response to Comments

During the public comment period provided, EPA received no comments in response to the February 9, 2021 **Federal Register** notice announcing the Agency's receipt of the requests for voluntary cancellations of products listed in Table 1 and Table 2 of Unit II.

IV. Cancellation Order

Pursuant to FIFRA section 6(f) (7 U.S.C. 136d(f)), EPA hereby approves the requested cancellations of the registrations identified in Table 1 and Table 2 of Unit II. Accordingly, the Agency hereby orders that the product registrations identified in Table 1 and Table 2 of Unit II are canceled. The effective date of the cancellations that are the subject of this notice is August 27, 2021. Any distribution, sale, or use of existing stocks of the products identified in Table 1 and Table 2 of Unit II in a manner inconsistent with any of the provisions for disposition of existing stocks set forth in Unit VI will be a violation of FIFRA.

V. What is the Agency's authority for taking this action?

Section 6(f)(1) of FIFRA (7 U.S.C. 136d(f)(1)) provides that a registrant of a pesticide product may at any time

request that any of its pesticide registrations be canceled or amended to terminate one or more uses. FIFRA further provides that, before acting on the request, EPA must publish a notice of receipt of any such request in the **Federal Register**. Thereafter, following the public comment period, the EPA Administrator may approve such a request. The notice of receipt for this action was published for comment in the **Federal Register** of February 9, 2021 (86 FR 8779) (FRL–10016–16). The comment period closed on August 9, 2021.

VI. Provisions for Disposition of Existing Stocks

Existing stocks are those stocks of registered pesticide products which are currently in the United States and which were packaged, labeled, and released for shipment prior to the effective date of the cancellation action. The existing stocks provisions for the products subject to this order are as follows.

For products 100–1117, 100–1121, 100–1122, 100–1157, 100–1179, 100–1182, 100–1212 and 100–1362 listed in Table 1 of Unit II, the registrant has requested the effective date of the cancellations to be November 02, 2020; therefore, the registrant will be permitted to sell and distribute existing stocks of this product until November 02, 2021. Thereafter, the registrant will be prohibited from selling or distributing the product in Table 1 of Unit II, except for export consistent with FIFRA section 17 (7 U.S.C. 136o) or for proper disposal.

For all other voluntary product cancellations, listed in Table 2 of Unit II, the registrants may continue to sell and distribute existing stocks of products listed in Table 2 of Unit II until August 29, 2022, which is 1 year after the date of publication of the Cancellation Order in the **Federal Register**. Thereafter, the registrants are prohibited from selling or distributing products listed in Table 2, except for export in accordance with FIFRA section 17 (7 U.S.C. 136o), or proper disposal. Persons other than the registrants may sell, distribute, or use existing stocks of products listed in Table 1 and Table 2 of Unit II until existing stocks are exhausted, provided that such sale, distribution, or use is consistent with the terms of the previously approved labeling on, or that accompanied, the canceled products.

Authority: 7 U.S.C. 136 *et seq.*

Dated: August 20, 2021.

Catherine Aubee,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 2021–18530 Filed 8–26–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–9058–1]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information 202–564–5632 or *https://www.epa.gov/nepa.*

Weekly receipt of Environmental Impact Statements (EIS)

Filed August 16, 2021 10 a.m. EST Through August 23, 2021 10 a.m. EST

Pursuant to 40 CFR 1506.9.

Notice

Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: *https://cdxnodengn.epa.gov/cdx-enepa-public/action/eis/search.*

EIS No. 20210122, Final, HHS, WV, Acquisition of Site for Development of a Replacement Underground Safety Research Program Facility in Mace, West Virginia, Review Period Ends: 09/27/2021, Contact: Sam Tarr 770–488–8170.

EIS No. 20210123, Final, USACE, FL, Florida Keys Coastal Storm Risk Management Study Final Integrated Feasibility Report and Environmental Impact Statement, Review Period Ends: 09/27/2021, Contact: Kathy Perdue 757–201–7218.

EIS No. 20210124, Draft Supplement, FHWA, SC, Mark Clark Extension Supplemental Environmental Impact Statement and Draft Section 4(f) Evaluation, Comment Period Ends: 10/15/2021, Contact: J. Shane Belcher 803–253–3187.

EIS No. 20210125, Draft Supplement, NRC, VA, Generic Environmental Impact Statement for License Renewal of Nuclear Plants, NUREG–1437, Supplement 7, Second Renewal, North Anna Power Station, Comment Period Ends: 10/12/2021, Contact: Tam Tran 301–415–3617.

EIS No. 20210126, Draft, USFS, OR, Cliff Knox Project, Comment Period Ends: 10/12/2021, Contact: Kate Cueno 541–820–3890.

EIS No. 20210127, Draft, USACE, NJ, New Jersey Back Bays Draft Integrated Feasibility Report and Tier 1 Environmental Impact Statement, Comment Period Ends: 10/12/2021, Contact: Steven D. Allen 215–656–6559.

Dated: August 23, 2021.

Cindy S. Barger,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 2021–18478 Filed 8–26–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2021–0015; FRL–8842–01–OCSPP]

Product Cancellation Order for Certain Pesticide Registrations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's order for the cancellations, voluntarily requested by the registrants and accepted by the Agency, of the products listed in Table 1 of Unit II, pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). This cancellation order follows a June 17, 2021 **Federal Register** Notice of Receipt of Requests from the registrants listed in Table 2 of Unit II to voluntarily cancel these product registrations. In the June 17, 2021 notice, EPA indicated that it would issue an order implementing the cancellations, unless the Agency received substantive comments within the 30-day comment period that would merit its further review of these requests, or unless the registrants withdrew their requests. The Agency did not receive any comments on the notice. Further, the registrants did not withdraw their requests. Accordingly, EPA hereby issues in this notice a cancellation order granting the requested cancellations. Any distribution, sale, or use of the products subject to this cancellation order is permitted only in accordance with the terms of this order, including any existing stocks provisions.

DATES: The cancellations are effective August 27, 2021.

FOR FURTHER INFORMATION CONTACT: Christopher Green, Registration Division (7502P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (703) 347–0367; email address: *green.christopher@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general, and may be of interest to a wide range of stakeholders including environmental, human health, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides. Since others also may be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action.

B. How can I get copies of this document and other related information?

The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2021–0015, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket 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.*

II. What action is the Agency taking?

This notice announces the cancellation, as requested by registrants, of products registered under FIFRA section 3 (7 U.S.C. 136a). These registrations are listed in sequence by registration number in Table 1 of this unit.

TABLE 1—PRODUCT CANCELLATIONS

Registration No.	Company No.	Product name	Active ingredients
7969–376	7969	Certador Insecticide	Dinotefuran.
59639–182	59639	V–10276 0.088 SL Insecticide/Fungicide	Metconazole & Dinotefuran.
91234–161	91234	Anniston 30 SG Insecticide	Acetamiprid.
91234–162	91234	Anniston 70 WP Insecticide	Acetamiprid.

Table 2 of this unit includes the names and addresses of record for all registrants of the products in Table 1 of this unit, in sequence by EPA company number. This number corresponds to the first part of the EPA registration numbers of the products listed in Table 1 of this unit.

TABLE 2—REGISTRANTS OF CANCELLED PRODUCTS

EPA company No.	Company name and address
7969	BASF Corporation, 26 Davis Drive, P.O. Box 13528, Research Triangle Park, NC 27709–3528.
59639	Valent U.S.A. LLC, 4600 Norris Canyon Road, P.O. Box 5075, San Ramon, CA 94583.
91234	Atticus, LLC, Agent Name: Pyxis Regulatory Consulting, Inc., 4110 136th Street Ct. NW, Gig Harbor, WA 98332–9122.

III. Summary of Public Comments Received and Agency Response to Comments

During the public comment period provided, EPA received no comments in response to the notice that published in the **Federal Register** of June 17, 2021 (86 FR 32259) (FRL–10024–90), announcing the Agency's receipt of the requests for voluntary cancellations of products listed in Table 1 of Unit II.

IV. Cancellation Order

Pursuant to FIFRA section 6(f) (7 U.S.C. 136d(f)), EPA hereby approves the requested cancellations of the registrations identified in Table 1 of Unit II. Accordingly, the Agency hereby orders that the product registrations identified in Table 1 of Unit II are canceled. The effective date of the cancellations that are the subject of this notice is August 27, 2021. Any distribution, sale, or use of existing stocks of the products identified in Table 1 of Unit II in a manner inconsistent with any of the provisions for disposition of existing stocks set forth in Unit VI will be a violation of FIFRA.

V. What is the Agency's authority for taking this action?

Section 6(f)(1) of FIFRA (7 U.S.C. 136d(f)(1)) provides that a registrant of a pesticide product may at any time request that any of its pesticide registrations be canceled or amended to terminate one or more uses. FIFRA further provides that, before acting on the request, EPA must publish a notice of receipt of any such request in the **Federal Register**. Thereafter, following the public comment period, the EPA Administrator may approve such a request. The notice of receipt for this action was published for comment in the **Federal Register** of June 17, 2021 (86 FR 32259) (FRL–10024–90). The comment period closed on July 19, 2021.

VI. Provisions for Disposition of Existing Stocks

Existing stocks are those stocks of registered pesticide products which are currently in the United States and which were packaged, labeled, and released for shipment prior to the effective date of the cancellation action. The existing stocks provisions for the products subject to this order are as follows.

The registrants may continue to sell and distribute existing stocks of products listed in Table 1 of Unit II until August 29, 2022, which is 1 year after the publication of the Cancellation Order in the **Federal Register**. Thereafter, the registrants are prohibited from selling or distributing products listed in Table 1, except for export in accordance with FIFRA section 17 (7 U.S.C. 136o), or proper disposal. Persons other than the registrants may sell, distribute, or use existing stocks of products listed in Table 1 of Unit II

until existing stocks are exhausted, provided that such sale, distribution, or use is consistent with the terms of the previously approved labeling on, or that accompanied, the canceled products.

Authority: 7 U.S.C. 136 *et seq.*

Dated: August 20, 2021.

Catherine Aubee,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 2021–18490 Filed 8–26–21; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[IB Docket No. 20–205; DA 21–893; FR ID 43422]

Notice of 90-Day Period To Submit Affirmation of Operational Status of Identified Earth Station Antennas To Avoid Losing Incumbent Status or File To Remove Identified Antennas From IBFS if No Longer Operational

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: In this document, the International Bureau (Bureau) provides notice to certain incumbent earth station operators in the 3700–4200 MHz frequency band of 90-day period to submit affirmation of operational status of identified earth station antennas to avoid losing incumbent status or file to remove identified antennas from IBFS if no longer operational. Specifically, IB provides the following notice to operators of certain incumbent FSS C-band earth station antennas recently reported to the Bureau by RSM US LLP (RSM), the C-band Relocation Coordinator, on behalf of incumbent C-band satellite operators: Failure to submit a filing to the Bureau by no later than 90 days after the release of the Bureau's Public Notice (*i.e.,* by October 21, 2021) affirming the continued operation of the earth station antennas reported to the Bureau as inactive and the intent to participate in the C-band transition will result in a Bureau announcement that those authorizations identified as inactive in the Appendix attached to the Bureau's Public Notice have automatically terminated by operation of rule, and that those authorizations will be terminated in IBFS and removed from the incumbent earth station list. According to RSM, each antenna included in the Appendix to the Bureau's Public Notice was reported by their earth station operator to RSM or a satellite operator as no longer receiving service from a C-band satellite even though the FCC's International Bureau Filing System (IBFS) continues to include the antenna as active.

DATES: Identified earth station operators must provide notice of operational status by October 21, 2021.

FOR FURTHER INFORMATION CONTACT: Kerry Murray, International Bureau, Satellite Division, at (202) 418–0734, *Kerry.Murray@fcc.gov* or *IBFSINFO@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's document, DA 21–893, released July 23, 2021. The full text of this document, along with the Appendix identifying the specific earth station antennas subject to automatic termination, is available for public inspection and can be downloaded at *https://www.fcc.gov/document/ib-identifies-inactive-c-band-incumbent-earth-station-antennas* or by using the search function for Docket No. 20–205 on the Commission's ECFS page at *www.fcc.gov/ecfs.*

Background. Under the Commission's *3.7 GHz Band Report and Order,* RSM is responsible for coordinating with the five incumbent C-band satellite operators—Eutelsat, Intelsat, SES, StarOne, and Telesat—to ensure that all incumbent earth stations are accounted for in the transition.[1] The overwhelming majority of incumbent earth stations have been claimed by the satellite operator(s) from which they receive service, included in their transition plans to the Commission, and will be transitioned to the upper 200 megahertz of the band.[2] In other cases, RSM, as the C-band Relocation Coordinator, has conducted outreach and research to determine whether the earth station is still active and, if so, from which satellite(s) the earth station receives its service.[3] In the course of their outreach, the satellite operators and RSM have identified certain antennas as inactive. The inactive status of some of these antennas has been confirmed when the relevant earth station operators filed with the Bureau to close out those antennas in IBFS. For the rest of these inactive antennas, their earth station operators reported to the satellite operators (according to RSM) that these antennas were no longer being used (even though in these cases their earth station operators failed to make the requisite discontinuance filings with the FCC in order to close out those antennas in IBFS). RSM has advised the Commission that it and the incumbent satellite operators regularly share the results of their respective outreach efforts to better coordinate the transition of incumbent earth stations.

On January 19, 2021, the Bureau released a Public Notice that provided notice to those incumbent earth station operators that RSM reported in a January 14, 2021 filing as inactive, that such earth station operators had 90 days, until April 19, 2021, to respond in the Electronic Comment Filing System (ECFS) or their registrations would be automatically terminated and they would be removed from the incumbent earth station list.[4] The Public Notice released on January 19, 2021 also provided such 90-day notice to a small group of ''unresponsive'' (or, in terms used in the January 14 RSM filing from which these operators were drawn, ''unable to reach'') incumbent earth station operators about their antennas. Such ''unresponsive'' stations were all incumbent earth stations that (a) had not been claimed by any of the five incumbent C-band satellite operators and, therefore, were not included in any of the satellite operator Transition Plans, and (b) had failed to respond to any outreach efforts from the very beginning of those efforts. The registrations of earth stations that failed to respond have been terminated in IBFS and those registrations have been removed from the incumbent earth station list.[5]

On July 14, 2021, RSM submitted a letter identifying an additional group of individual earth station antennas as no longer operational at the location provided in the latest incumbent earth station list, even though these antennas continue to be listed in IBFS. The July 14 RSM filing, with its attachment, can be found in ECFS. RSM explains that it compiled this group of antennas—which were not included in the Public Notice released on January 19, 2021—from affirmative representations made to RSM or the satellite operators by the

[1] *See Expanding Flexible Use of the 3.7 to 4.2 GHz Band,* Report and Order and Order of Proposed Modification, 35 FCC Rcd 2343, 2391, paragraphs 116 through 123 (2020) (*3.7 GHz Band Report and Order*).

[2] 47 CFR 27.1412(d) (transition plan requirements). The satellite operators also file quarterly status reports in GN Docket No. 20–173. 47 CFR 27.1412(f).

[3] *3.7 GHz Band Report and Order,* 35 FCC Rcd 2343, 2460, paragraph 313.

[4] *See International Bureau Identifies Inactive C-Band Incumbent Earth Station Antennas and Unresponsive C-Band Incumbent Earth Station Operators,* Public Notice, DA 21–81 (rel. Jan. 19, 2021).

[5] See *International Bureau Releases Updated List of Incumbent Earth Stations in the 3.7–4.2 GHz Band in the Contiguous United States,* Public Notice, DA 21–731, IB Docket No. 20–205 (rel. June 22, 2021) (June 22, 2021, Incumbent Earth Station List) for the current incumbent earth station list and an explanation of the criteria applied to be included on the list.

antennas' earth station operators. We have attached to DA 21–893 an Appendix listing this group of antennas.

We hereby presume, on a rebuttable basis, that earth station antennas included in the Appendix attached to DA 21–893 are no longer operational. Section 25.161(c) of the Commission's rules provides that an earth station authorization is automatically terminated if the station is not operational for more than 90 days.[6] We also note that the Commission's rules require earth station operators to take the steps necessary to remove non-operational antennas from the active records in the IBFS.[7] Moreover, under the Commission's rules, antennas must continue to be operational to qualify for incumbent status.[8]

Incumbent earth station operators who need to affirm the continued operation of the identified earth station antennas. We direct earth station operators with incumbent earth station antennas that appear on the inactive list appended to DA 21–893 to make either of two filings no later than 90 days after release of this Notice (*i.e.,* by October 21, 2021): (1) File to remove those antennas from IBFS as no longer operational as required by Commission rule and optionally make a filing in ECFS IB Docket No. 20–205 confirming the extent to which they are surrendering or removing antennas in IBFS, or (2) file in ECFS IB Docket No. 20–205 affirming that those antennas are still operational. An earth station operator may contact Bureau staff at *IBFSINFO@fcc.gov* if it has questions about the above or if it needs instructions on how to surrender entire Callsigns in IBFS or how to remove an inactive earth station antenna from a Callsign that includes other operational earth station antennas.

Earth station operators with earth station antenna(s) on the inactive list in the Appendix to DA 21–893 that do not respond by October 21, 2021, affirming the continued operation of the identified earth station antennas will be deemed to have had the authorizations for those antennas automatically terminated by rule. Those authorizations will be terminated in IBFS, *i.e.,* the IBFS records for those antennas will be shown with a terminated status. Such terminated earth stations will also be removed from the incumbent earth station list and will not be entitled to protection from interference from the network deployments of new wireless licenses or be eligible for reimbursement of any transition costs, including the cost of any filters, that those earth stations may decide to incur. Of course, notwithstanding an affirmation of continued operation, the Bureau retains the authority to eliminate an earth station antenna's incumbent status if the Bureau receives additional evidence that the antenna has failed to satisfy applicable requirements for maintaining operation.

Incumbent earth station operators who need to provide additional information to avoid harmful interference. Apart from the foregoing group of earth station operators for which RSM received affirmative representations of nonoperational status, in the July 14 RSM filing, RSM separately reported that it had identified a limited number of incumbent earth station operators with which it has been able to establish contact but has not been able to get enough information from the earth station operator for it to be included in a satellite operator transition plan or for RSM to conclude that the earth station is in fact participating in the transition process. Further outreach by RSM with the earth station operator has not been successful.

Such earth station operators that do not provide the necessary information to the Relocation Coordinator or satellite operators may not be successfully transitioned before terrestrial wireless licensees initiate service in the band and, as a result, such earth station operators may experience harmful interference at their facilities as terrestrial wireless licensees deploy their networks.

Federal Communications Commission.

Troy Tanner,

Deputy Chief, International Bureau.

[FR Doc. 2021–18532 Filed 8–26–21; 8:45 am]

BILLING CODE 6712–01–P

[6] 47 CFR 25.161(c). The Bureau has delegated authority to enforce the Part 25 rules. 47 CFR 0.261(a)(15).

[7] 47 CFR 25.115(b)(8).

[8] 47 CFR 25.138(c)(1).

FEDERAL COMMUNICATIONS COMMISSION

[FR ID 44726]

Ending 9–1–1 Fee Diversion Now Strike Force; Meeting

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: In accordance with the Federal Advisory Committee Act, the Federal Communications Commission (Commission) announces and provides a preliminary agenda for the third meeting of the ''Ending 9–1–1 Fee Diversion Now Strike Force'' (911 Strike Force).

DATES: Friday, September 17, 2021, beginning at 10 a.m. EDT.

ADDRESSES: Federal Communications Commission, 45 L Street NE, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: John A. Evanoff, Designated Federal Officer (DFO), Federal Communications Commission, Public Safety and Homeland Security Bureau, (202) 418–0848; or Jill Coogan, Deputy Designated Federal Officer (DDFO), Federal Communications Commission, Public Safety and Homeland Security Bureau, (202) 418–1499; or email: *911StrikeForce@fcc.gov.*

SUPPLEMENTARY INFORMATION: Proposed Agenda: The agenda for the September 17, 2021 meeting will include presentations summarizing the recommendations and report of the 911 Strike Force and its working groups, and voting by the 911 Strike Force on the recommendations and report. This agenda may be modified at the discretion of the 911 Strike Force Chair and the DFO.

The September 17, 2021 meeting will be held in a wholly electronic format to accommodate continuing public health precautions related to the coronavirus (COVID–19) pandemic. The September 17, 2021 meeting will be open to members of the general public via live broadcast over the internet from the FCC Live web page at *http://www.fcc.gov/live/.* The public may also follow the meeting on *Twitter@fcc* or via the Commission's Facebook page at *www.facebook.com/*fcc. Members of the public may submit any questions that arise during the meeting to *livequestions@fcc.gov.*

Open captioning will be provided for the live stream. Other reasonable accommodations for people with disabilities are available upon request. To request an accommodation, or for materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov* or call the Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY). Such requests should include a detailed description of the accommodation needed. In addition, please include a way for the Commission to contact the requester if more information is needed to fulfill the request. Please allow at least five days' advance notice; last-minute requests will be accepted but may not be possible to accommodate.

Federal Communications Commission.

David Furth,

Deputy Bureau Chief, Public Safety and Homeland Security Bureau.

[FR Doc. 2021–18529 Filed 8–26–21; 8:45 am]

BILLING CODE 6712–01–P

GENERAL SERVICES ADMINISTRATION

[OMB Control No. 3090–0324: Docket No. 2021–0001; Sequence No. 10]

General Services Administration Acquisition Regulation; Information Collection; Foreign Ownership and Financing Representation for High-Security Leased Space

AGENCY: Office of Acquisition Policy, General Services Administration (GSA).

ACTION: Notice of request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 and Office of Management and Budget (OMB) regulations, GSA invites the public to comment on an extension concerning disclosure of foreign ownership information under high-security lease space acquisitions. OMB has approved this information collection for use through January 31, 2022. GSA proposes that OMB extend its approval for use for three additional years beyond the current expiration date.

DATES: GSA will consider all comments received by October 26, 2021.

ADDRESSES: Submit comments on this information collection to *https://www.regulations.gov*. Submit comments via the Federal eRulemaking portal by searching for ''Information Collection 3090–0324''. Select the link ''Comment Now'' that corresponds with Information Collection 3090–0324. Follow the instructions provided at the ''Comment Now'' screen. Please include your name, company name (if any), and ''Information Collection 3090–0324'' on your attached document.

Instructions: Please submit comments only and cite ''Information Collection 3090–0324'' in all correspondence related to this collection. Comments received generally will be posted without change to *regulations.gov,* including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check *regulations.gov* approximately two-to-three days after submission to verify posting.

FOR FURTHER INFORMATION CONTACT: Mr. Stephen Carroll, 817–253–7858, General Services Acquisition Policy Division, by email at *gsarpolicy@gsa.gov*.

SUPPLEMENTARY INFORMATION:

A. Purpose

The Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501 *et seq.*) provides that an agency generally cannot conduct or sponsor a collection of information, and no person is required to respond to, nor be subject to, a penalty for failure to comply with a collection of information, unless that collection has obtained Office of Management and Budget (OMB) approval and displays a currently valid OMB Control Number.

Consistent with 5 CFR 1320.13, GSA requested and OMB authorized emergency processing of an information collection, as OMB Control Number 3090–0324, to identify the immediate or highest-level owner of high-security leased space, including any financing entity, and disclose whether that owner or financing entity is a foreign person or entity, including the country associated with the ownership or financing entity through GSAR 552.270–33. GSA has determined the following conditions have been met:

a. The collection of information is needed prior to the expiration of time periods normally associated with a routine submission for review under the provisions of the Paperwork Reduction Act, because the disclosure requirements of Section 3 of the Secure Federal LEASEs Act (Pub. L. 116–276) were effective on June 30, 2021.

b. The collection of information is essential to GSA's mission to ensure GSA complies with Section 3 in order to reduce security risks such as espionage and unauthorized cyber and physical access in high-security leased space.

c. GSA cannot comply with the normal clearance procedures because public harm is reasonably likely to result if current clearance procedures are followed.

This requirement supports implementation of Section 3 of the Secure Federal LEASEs Act (Pub. L. 116–276) for high-security leased space. This section requires offerors to identify the immediate or highest-level owner of the space, including any financing entity, and disclose whether that owner or financing entity is a foreign person or entity, including the country associated with the ownership entity. The offerors shall (1) provide such identification and disclosure when first submitting a proposal in response to a solicitation; and, if awarded the lease, (2) update such information annually.

This requirement is partially implemented in the Federal Acquisition Regulation (FAR) through the provisions at FAR 52.204–3, Taxpayer Identification, FAR 52.204–7, System for Award Management, FAR 52.204–17, Ownership and Control of Offeror, and clause at FAR 52.204–13, System for Award Management Maintenance. OMB Control Numbers 9000–0097 and 9000–0185 cover the FAR provisions and clause. However, the FAR does not account for foreign financing as required by the Act.

B. Annual Reporting Burden

This information collection applies to GSA lease procurements for high-security space. The annual public reporting burden for this collection of information through GSAR 552.270–33 is estimated based on the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The annual reporting burden is estimated as follows:

1. Initial Disclosure

Baseline Representation

Estimated annual responses: 542.

Estimated hours per response: 2.

Additional Representation

Estimated annual responses: 54.

Estimated hours per response: 10.

Total Initial Response Burden Hours: 1,624.

2. Annual Updates

Estimated annual responses: 542.

Estimated hours per response: 0.25.

Total Update Response Burden Hours: 136.

C. Public Comments

Public comments are particularly invited on: Whether this collection of information is necessary; whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

Jeffrey A. Koses,

Senior Procurement Executive, Office of Acquisition Policy, Office of Government-wide Policy.

[FR Doc. 2021–18503 Filed 8–26–21; 8:45 am]

BILLING CODE 6820–61–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–21–1102]

Agency Forms Undergoing Paperwork Reduction Act Review

In accordance with the Paperwork Reduction Act of 1995, the Centers for Disease Control and Prevention (CDC) has submitted the information collection request titled Tuberculosis Data from Panel Physicians to the Office of Management and Budget (OMB) for review and approval. CDC previously published a ''Proposed Data Collection Submitted for Public Comment and Recommendations'' notice on May 26, 2021 to obtain comments from the public and affected agencies. CDC received one non-substantive comment related to the previous notice. This notice serves to allow an additional 30 days for public and affected agency comments.

CDC will accept all comments for this proposed information collection project. The Office of Management and Budget is particularly interested in comments that:

(a) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(c) Enhance the quality, utility, and clarity of the information to be collected;

(d) Minimize the burden of the collection of information on those who are to respond, including, through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses; and

(e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570. Comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Direct written comments and/or suggestions regarding the items contained in this notice to the Attention: CDC Desk Officer, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503 or by fax to (202) 395–5806. Provide written comments within 30 days of notice publication.

Proposed Project

Tuberculosis Data from Panel Physicians (OMB Control No. 0920–1102, Exp. 9/30/2021)—Revision—National Center for Emerging and Zoonotic Infectious Diseases (NCEZID), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The Centers for Disease Control and Prevention's (CDC), National Center for Emerging and Zoonotic Infectious Diseases (NCEZID), Division of Global Migration and Quarantine (DGMQ), Immigrant, Refugee, and Migrant Health Branch (IRMH), requests approval for a Revision to an approved information collection. The respondents are U.S. panel physicians. Panel physicians are medically trained, licensed, and experienced medical doctors practicing overseas who are appointed by the local U.S. Embassy or Consulate General to perform medical examinations for prospective immigrants to the United States. More than 760 panel physicians perform overseas pre-departure medical examinations at 336 panel sites, in accordance with requirements, referred to as *Technical Instructions,* provided by the Centers for Disease Control and Prevention's Division of Global Migration and Quarantine, Quality Assessment Program (QAP). The QAP program is housed in the Immigrant, Refugee, and Migrant Health Branch (IRMH). The role of QAP is to assist and guide panel physicians in the implementation of the *Technical Instructions;* evaluate the quality of the overseas medical examination for U.S.-bound immigrants and refugees; assess potential panel physician sites; and provide recommendations to the U.S. Department of State in matters of immigrant medical screening.

To achieve DGMQ's mission, IRMH works with domestic and international programs to improve the health of U.S.-bound immigrants and refugees to protect the U.S. public by preventing the importation of infectious disease. These goals are accomplished through IRMH's oversight of medical exams required for all U.S.-bound immigrants and refugees who seek permanent residence in the U.S. IRMH is responsible for assisting and training the international panel physicians with the implementation of medical exam *Technical Instructions.* CDC's *Technical Instructions* are detailed requirements and national policies regarding the medical screening and treatment of all U.S.-bound immigrants and refugees.

Screening for tuberculosis (TB) is a particularly important component of the immigration medical exam and allows panel physicians to diagnose active TB disease prior to arrival in the United States. As part of the *Technical Instructions* requirements, panel physicians perform chest x-rays and laboratory tests that aid in the identification of tuberculosis infection (Class B1 applicants) and diagnosis of active tuberculosis disease (Class A, inadmissible applicants). CDC uses these classifications to report new immigrant and refugee arrivals with a higher risk of developing TB disease to U.S. state and local health departments for further follow-up. Some information that panel physicians collect as part of the medical exam is not reported on the standard Department of State forms (DS-forms), thereby preventing CDC from evaluating TB trends in globally mobile populations and monitoring program effectiveness.

In 2007, CDC revised the *Tuberculosis Technical Instructions* to include several new requirements for *Mycobacteria tuberculosis* (MTB) testing and treatment. Important changes included the requirements for: (1) Sputum cultures in addition to sputum smears; (2) tuberculin skin tests or interferon gamma release assays (beginning in 2009) for certain children aged 2–14 years examined in countries where the World Health Organization estimated TB incidence is ≥20 per 100,000 persons; (3) drug-susceptibility testing of positive isolates; and (4) treatment being delivered as directly observed therapy (DOT) throughout the entire course.

Since implementation of these new *Culture and Directly Observed Therapy TB Technical Instructions* (CDOT TB TI), overseas TB case detection has increased by an estimated 60% and allowed U.S. public health programs to save millions of dollars annually. Overseas TB screening data (referred to by DGMQ as 'TB Indicator data') is critical to support the continued analysis of these trends and the monitoring of TB control efforts in the U.S.

CDC requests this data collection approval for three years. This Revision includes a decrease in respondents from 336 to 333, and a decrease in the requested number of burden hours from

1,008 hours to 999. There is no cost to respondents other than their time to participate.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
International Panel Physicans	TB Indicators REDCap web form	333	1	3

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2021–18539 Filed 8–26–21; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–21–1182]

Agency Forms Undergoing Paperwork Reduction Act Review

In accordance with the Paperwork Reduction Act of 1995, the Centers for Disease Control and Prevention (CDC) has submitted the information collection request titled ''Formative Research to Develop HIV Social Marketing Campaigns for Healthcare Providers'' to the Office of Management and budget (OMB) for review and approval. CDC previously published a ''Proposed Data Collection Submitted for Public Comment and Recommendations'' notice on March 8, 2021 to obtain comments from the public and affected agencies. CDC did not receive comments related to the previous notice. This notice serves to allow an additional 30 days for public and affected agency comments.

CDC will accept all comments for this proposed information collection project. The Office of Management and Budget is particularly interested in comments that:

(a) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(c) Enhance the quality, utility, and clarity of the information to be collected;

(d) Minimize the burden of the collection of information on those who are to respond, including, through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses; and

(e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570. Comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Direct written comments and/or suggestions regarding the items contained in this notice to the Attention: CDC Desk Officer, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503 or by fax to (202) 395–5806. Provide written comments within 30 days of notice publication.

Proposed Project

Formative Research to Develop HIV Social Marketing Campaigns for Healthcare Providers (OMB Control No. 0920–1182)—Reinstatement without Change—National Center for HIV/AIDS, Viral Hepatitis, STD and TB Prevention (NCHHSTP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

To address the HIV epidemic in the U.S., the Department of Health and Human Services launched Ending the HIV Epidemic: A Plan for America, which is a cross-agency initiative aiming to reduce new HIV infections in the U.S. by 90% by 2030. CDC's Let's Stop HIV Together campaign (formerly known as Act Against AIDS) is part of the national Ending the HIV Epidemic initiative and includes resources aimed at reducing HIV stigma and promoting testing, prevention, and treatment across the HIV care continuum.

Within this context, CDC's Division of HIV/AIDS Prevention (DHAP) has, and will continue implementing various communication initiatives to increase healthcare providers' awareness of HIV testing-, prevention- and treatment-related topics; reduce new HIV infections among disproportionately impacted populations; and improve health outcomes for people living with HIV/AIDS in the US and its territories. Specifically, the initiatives target healthcare providers, including primary care, and relevant specialties such as HIV medicine and infectious disease, physicians, physician assistants, and nurses.

The rounds of data collection include exploratory, message testing, concept testing, and materials testing. Information collected by DHAP will be used to assess healthcare providers' informational needs about topics related to HIV testing, prevention, and treatment; pre-test campaign-related messages, concepts, and materials; and evaluate the extent to which the communication initiatives are reaching the target audiences and providing them with trusted HIV-related information. Data collections will include in-depth interviews and brief surveys. The data gathered under this request will be summarized in reports prepared for CDC by its contractor, such as quarterly and annual reports and topline reports that summarize results from each data collection. It is possible that data from this project will be published in peer-reviewed manuscripts or presented at conferences, and the manuscripts and conference presentations may appear on the internet.

The total estimated annualized burden hours are 902. Participation of respondents is voluntary, and there is no cost to participants other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
Health care providers	Study screener	1,138	1	10/60
	Web-based survey	569	1	15/60
	Exploratory Guide—Prevention with Positives In-depth Interview.	95	1	1
	Exploratory Guide—Patient Centered Care In-depth Interview.	95	1	1
	Exploratory Guide—HIV Prevention In-depth Interview.	95	1	1
	Message Testing In-depth Interview Guide	95	1	1
	Concept Testing In-depth Interview Guide	95	1	1
	Materials Testing In-depth Interview	95	1	1

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2021–18540 Filed 8–26–21; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–21–0600; Docket No. CDC–2021–0087]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies the opportunity to comment on a proposed and/or continuing information collection, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed information collection project titled CDC Model Performance Evaluation Program (MPEP) for Mycobacterium tuberculosis Susceptibility Testing information collection. CDC is requesting a three-year approval for revision to the previously approved project used to monitor and evaluate performances and practices among national laboratories for M. tuberculosis susceptibility testing.

DATES: CDC must receive written comments on or before October 26, 2021.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2021–0087 by any of the following methods:

- *Federal eRulemaking Portal: Regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–D74, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. CDC will post, without change, all relevant comments to *Regulations.gov.*

Please note: Submit all comments through the Federal eRulemaking portal (regulations.gov) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–D74, Atlanta, Georgia 30329; phone: 404–639–7570; Email: *omb@cdc.gov.*

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to the OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

The OMB is particularly interested in comments that will help:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected;

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses; and

5. Assess information collection costs.

Proposed Project

CDC Model Performance Evaluation Program (MPEP) for *Mycobacterium tuberculosis* Susceptibility testing (OMB Control No. 0920–0600, Exp. 2/20/2022)—Revision—National Center for HIV/AIDS, Viral Hepatitis, STD, and TB Prevention (NCHHSTP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The Centers for Disease Control and Prevention (CDC) is requesting a revision to approved information collection from participants in the CDC Model Performance for *Mycobacterium tuberculosis* Drug Susceptibility Testing Program for a period of three years. Revision of this information will not

require changes in the scope of the project. This Revision includes; (a) modification of the Instructions to Participants Letter; (b) modification of the MPEP *Mycobacterium tuberculosis* Results Worksheet; (c) modification of online data collection instrument; (d) modification of the MPEP *Mycobacterium tuberculosis* Minimum Inhibitory Concentration Results Worksheet; (e) removal of Reminder Telephone Script; and (f) modification of Aggregate Report Letter.

While the overall number of cases of TB in the U.S. has decreased, rates still remain high among foreign-born persons, corrections, homeless populations, and individuals infected with HIV in major metropolitan areas. To reach the goal of eliminating TB, the Model Performance Evaluation Program for *Mycobacterium tuberculosis* susceptibility testing is used to monitor and evaluate performance and practices among US laboratories performing *M. tuberculosis* susceptibility testing. Participation in this program is one way laboratories can ensure high-quality laboratory testing, resulting in accurate and reliable testing results.

By providing an evaluation program to assess the ability of laboratories to test for drug resistant *M. tuberculosis* strains, CDC gives laboratories a self-assessment tool to aid in optimizing their skills in susceptibility testing. The information obtained from the laboratories on susceptibility practices and procedures is used to establish variables related to good performance, assess training needs, and aid with the development of practice standards.

Participants in this program include domestic clinical and public health laboratories. Data collection from laboratory participants occurs twice per year. The data collected in this program will include the susceptibility test results of primary and secondary drugs, drug concentrations, and test methods performed by laboratories on a set of performance evaluation (PE) isolates. The PE isolates are sent to participants twice a year, and participants also report demographic data such as laboratory type and the number of drug susceptibility tests performed annually.

CDC requests approval for an estimated 129 burden hours annually. There is no cost to respondents to participate other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
Domestic Laboratory	Participant Biosafety Compliance Letter of Agreement.	80	1	5/60	7
	MPEP *Mycobacterium tuberculosis* Results Worksheet.	80	2	30/60	80
	Online Survey Instrument	80	2	15/60	40
	MPEP *Mycobacterium tuberculosis* Minimum Inhibitory Concentration Results Form.	4	2	15/60	2
Total	.....	.....	.....	.....	129

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2021–18541 Filed 8–26–21; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Board of Scientific Counselors, National Center for Health Statistics (BSC, NCHS)

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, the CDC announces the following meeting for the Board of Scientific Counselors, National Center for Health Statistics BSC, NCHS). This meeting is open to the public.

DATES: The meeting will be held on October 22, 2021, from 11:00 a.m. to 5:30 p.m., EDT.

ADDRESSES: Instructions to access the meeting are posted on the BSC website: *https://www.cdc.gov/nchs/about/bsc/bsc_meetings.htm.*

FOR FURTHER INFORMATION CONTACT: Rebecca Hines, M.H.S., Executive Secretary, NCHS/CDC, Board of Scientific Counselors, 3311 Toledo Road, Room 2627, Hyattsville, Maryland 20782, Telephone: (301) 458–4717; Email: *RSHines@cdc.gov.*

SUPPLEMENTARY INFORMATION:

Purpose: The Board is charged with providing advice and making recommendations to the Secretary, Department of Health and Human Services; the Director, CDC; and the Director, NCHS, regarding the scientific and technical program goals and objectives, strategies, and priorities of NCHS.

Matters To Be Considered: The meeting agenda includes welcome remarks and a Center update by the NCHS Director; updates on Data Modernization (DMI), including Epidemiology and Laboratory Capacity for Prevention and Control of Emerging Infectious Diseases (ELC) Collaboration; an update on the National Center for Health Statistics Strategic Planning; presentation on the NCHS Health Equity Strategy; updates on using the National Health Interview Survey (NHIS) as a platform for additional data collection; and an update on several NCHS Programs. Agenda items are subject to change as priorities dictate.

Meeting Information: Please visit the BSC website: *https://www.cdc.gov/nchs/about/bsc/bsc_meetings.htm* for more information on the meeting agenda, including instructions for accessing the live meeting broadcast.

The Board will reserve time for public comment at the end of the day.

The Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and

Prevention and the Agency for Toxic Substances and Disease Registry.

Kalwant Smagh,

Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention.

[FR Doc. 2021–18454 Filed 8–26–21; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Advisory Board on Radiation and Worker Health (ABRWH), Subcommittee for Dose Reconstruction Reviews (SDRR), National Institute for Occupational Safety and Health (NIOSH); Cancellation of Meeting

Notice is hereby given of a change in the meeting of the Advisory Board on Radiation and Worker Health (ABRWH), Subcommittee for Dose Reconstruction Reviews (SDRR); June 16, 2021, from 10:30 a.m. to 2:30 p.m., EDT, in the original FRN. The teleconference meeting was published in the **Federal Register** on April 23, 2021, Volume 86, Number 77, pages 21738–21739.

This meeting is being canceled in its entirety.

FOR FURTHER INFORMATION CONTACT: Rashaun Roberts, Ph.D., Designated Federal Officer, NIOSH, CDC, 1090 Tusculum Avenue, Mailstop C–24, Cincinnati, Ohio 45226, Telephone: (513) 533–6800, Toll Free 1(800) CDC–INFO, Email: *ocas@cdc.gov.*

The Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Kalwant Smagh,

Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention.

[FR Doc. 2021–18455 Filed 8–26–21; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–21–1061]

Agency Forms Undergoing Paperwork Reduction Act Review

In accordance with the Paperwork Reduction Act of 1995, the Centers for Disease Control and Prevention (CDC) has submitted the information collection request titled Behavioral Risk Factor Surveillance System (BRFSS), to the Office of Management and Budget (OMB) for review and approval. CDC previously published a ''Proposed Data Collection Submitted for Public Comment and Recommendations'' notice on March 12, 2021 to obtain comments from the public and affected agencies. CDC did not receive comments related to the previous notice. This notice serves to allow an additional 30 days for public and affected agency comments.

CDC will accept all comments for this proposed information collection project. The Office of Management and Budget is particularly interested in comments that:

(a) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(c) Enhance the quality, utility, and clarity of the information to be collected;

(d) Minimize the burden of the collection of information on those who are to respond, including, through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses; and

(e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570. Comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Direct written comments and/or suggestions regarding the items contained in this notice to the Attention: CDC Desk Officer, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503 or by fax to (202) 395–5806. Provide written comments within 30 days of notice publication.

Proposed Project

Behavioral Risk Factor Surveillance System (BRFSS) (OMB Control No. 0920–1061, Exp. 3/31/2022)—Revision—National Center for Chronic Disease and Public Health Protection (NCCDPHP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

CDC is requesting OMB approval to revise information collection activities for the Behavioral Risk Factor Surveillance System (BRFSS) for the period of 2022–2024. The BRFSS is a nationwide system of cross-sectional surveys using random digit dialed (RDD) samples administered by health departments in states, territories, and the District of Columbia (collectively referred to here as States) in collaboration with CDC. Traditionally subject recruitment and interview have been conducted by telephone. In 2022–2024, the BRFSS will introduce the option to allow participants to voluntarily complete online surveys, after telephone recruitment. The BRFSS produces state-level information primarily on health risk behaviors, health conditions, and preventive health practices that are associated with chronic diseases, infectious diseases, and injury. Designed to meet the data needs of individual states and territories, the CDC sponsors the BRFSS information collection project under a cooperative agreement with states and territories. Under this partnership, BRFSS state coordinators determine questionnaire content with technical and methodological assistance provided by CDC. For most states and territories, the BRFSS provides the only sources of data amenable to state and local level health and health risk indicator uses. Over time, it has also developed into an important data collection system that federal agencies rely on for state and local health information and to track national health objectives such as Healthy People.

CDC bases the BRFSS questionnaire on modular design principles to accommodate a variety of state-specific needs within a common framework. All participating states are required to administer a standardized core

questionnaire, which provides a set of shared health indicators for all BRFSS partners. The BRFSS core questionnaire consists of fixed core, rotating core, and emerging core questions. Fixed core questions are asked every year. Rotating core questions cycle on and off the core questionnaire in two- or three-year cycles, depending on the question. Emerging core questions are included in the core questionnaire as needed to collect data on urgent or emerging health topics such as infectious disease. In addition, the BRFSS includes a series of optional modules on a variety of topics. In off years, when the rotating questions are not included in the core questionnaire, they are offered to states as optional modules. This framework allows each state to produce a customized BRFSS survey by appending selected optional modules to the core survey. States may select which, if any, optional modules to administer. As needed, CDC provides technical and methodological assistance to state BRFSS coordinators in the construction of their state-specific surveys. Each state administers its BRFSS questionnaire throughout the calendar year.

CDC periodically updates the BRFSS core survey and optional modules. The purpose of this Revision request is to add the following topics to the questionnaires: COVID vaccination, impact of the COVID pandemic, periodontal disease, additional questions on heart attack and stroke, disaster/pandemic preparedness, veterans' health, and the use of newly available tobacco products. In addition, this request seeks approval for reinstating topics which have been included in BRFSS in the past, dependent upon state interest and funding.

Participation in BRFSS is voluntary and there is no cost to participate. The average time burden per response will be 22 minutes. The total time burden across all respondents will be approximately 287,798 hours.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
U.S. General Population	Landline Screener	173,000	1	1/60
	Cell Phone Screener	694,000	1	1/60
	Field Test Screener	900	1	1/60
Annual Survey Respondents (Adults >18 Years).	BRFSS Core Survey by Phone Interview	480,000	1	15/60
	BRFSS Optional Modules by Phone Interview	440,000	1	15/60
	BRFSS Core Survey by Online Survey	100,000	1	10/60
	BRFSS Optional Modules by Online Survey	80,000	1	10/60
Field Test Respondents (Adults >18 Years).	Field Test Survey by Phone Interview	500	1	45/60

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2021–18538 Filed 8–26–21; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–6063–N7]

Medicare Program; National Expansion Implementation for All Remaining States and Territories of the Prior Authorization Model for Repetitive, Scheduled Non-Emergent Ambulance Transports

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Notice.

SUMMARY: This notice announces the implementation dates for all remaining states and territories for the national expansion of the Prior Authorization Model for Repetitive, Scheduled Non-Emergent Ambulance Transports.

DATES: This expansion of the Prior Authorization Model for Repetitive, Scheduled Non-Emergent Ambulance Transports will begin on December 1, 2021 for independent ambulance suppliers garaged in Arkansas, Colorado, Louisiana, Mississippi, New Mexico, Oklahoma, and Texas; and no earlier than: February 1, 2022 for independent ambulance suppliers garaged in Alabama, American Samoa, California, Georgia, Guam, Hawaii, Nevada, Northern Mariana Islands and Tennessee; April 1, 2022 for independent ambulance suppliers garaged in Florida, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, Puerto Rico, Wisconsin, and U.S. Virgin Islands; June 1, 2022 for independent ambulance suppliers garaged in Connecticut, Indiana, Maine, Massachusetts, Michigan, New Hampshire, New York, Rhode Island, and Vermont; and August 1, 2022 for independent ambulance suppliers garaged in Alaska, Arizona, Idaho, Kentucky, Montana, North Dakota, Ohio, Oregon, South Dakota, Utah, Washington, and Wyoming.

FOR FURTHER INFORMATION CONTACT: Angela Gaston, (410) 786–7409.

Questions regarding the national expansion of the Prior Authorization Model for Repetitive, Scheduled Non-Emergent Ambulance Transports should be sent to *AmbulancePA@cms.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

In the November 23, 2020 **Federal Register** (85 FR 74725), we published a notice titled ''Medicare Program; National Expansion of the Prior Authorization Model for Repetitive, Scheduled Non-Emergent Ambulance Transport,'' which announced the national expansion of the Prior Authorization Model for Repetitive, Scheduled Non-Emergent Ambulance Transports under section 1834(l)(16) of the Act, as added by section 515(b) of the Medicare Access and CHIP Reauthorization Act of 2015 (MACRA) (Pub. L. 114–10). The states that participated in the model under section 1115A of the Social Security Act (the Act), which included Delaware, the District of Columbia, Maryland, New Jersey, North Carolina, Pennsylvania, South Carolina, Virginia, and West Virginia, previously transitioned to the national model on December 2, 2020. Due to the COVID–19 Public Health Emergency, we delayed the implementation of the expansion to any additional states.

II. Provisions of the Notice

This notice announces the implementation dates for all remaining states and territories for the national expansion of the Prior Authorization Model for Repetitive, Scheduled Non-Emergent Ambulance Transports under section 1834(l)(16) of the Act, as added by section 515(b) of MACRA (Pub. L. 114–10). This expansion of the model will begin on December 1, 2021 for independent ambulance suppliers garaged in Arkansas, Colorado, Louisiana, Mississippi, New Mexico, Oklahoma, and Texas; and no earlier than—

- February 1, 2022 for independent ambulance suppliers garaged in Alabama, American Samoa, California, Georgia, Guam, Hawaii, Nevada, Northern Mariana Islands and Tennessee;
- April 1, 2022 for independent ambulance suppliers garaged in Florida, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, Puerto Rico, Wisconsin, and U.S. Virgin Islands;
- June 1, 2022 for independent ambulance suppliers garaged in Connecticut, Indiana, Maine, Massachusetts, Michigan, New Hampshire, New York, Rhode Island, and Vermont; and
- August 1, 2022 for independent ambulance suppliers garaged in Alaska, Arizona, Idaho, Kentucky, Montana, North Dakota, Ohio, Oregon, South Dakota, Utah, Washington, and Wyoming.

We will continue to test in the remaining states and territories whether prior authorization helps reduce expenditures, while maintaining or improving quality of care, by using the prior authorization process described in the November 23, 2020 **Federal Register** (85 FR 74725) to reduce utilization of services that do not comply with Medicare policy. Prior authorization helps ensure that all relevant clinical or medical documentation requirements are met before services are furnished to beneficiaries and before claims are submitted for payment. It further helps to ensure that payment complies with Medicare documentation, coverage, payment, and coding rules. Prior authorization also allows ambulance suppliers to address coverage issues prior to furnishing services.

The model establishes a process for requesting prior authorization for repetitive, scheduled non-emergent ambulance transports. The use of prior authorization does not create new clinical documentation requirements. Instead, it requires the same information that is already required to support Medicare payment, just earlier in the process.

Submitting a prior authorization request for repetitive, scheduled non-emergent ambulance transports is voluntary. However, an ambulance supplier or beneficiary is encouraged to submit to the Medicare Administrative Contractor (MAC) a request for prior authorization along with all relevant documentation to support Medicare coverage of the transports. If prior authorization has not been requested by the fourth round trip in a 30-day period, the subsequent claims will be stopped for prepayment review. Please see the November 23, 2020 **Federal Register** (85 FR 74725) for additional details on the prior authorization model and process.

We will expand outreach and education efforts on this model to affected ambulance suppliers in all states and territories, through such methods as an operational guide, frequently asked questions (FAQs) on our website, a physician letter explaining the ambulance suppliers' need for the proper documentation, open door forums, and educational events and materials issued by the MACs. We will work to limit any adverse impact on beneficiaries and to educate affected beneficiaries about the model process. Beneficiaries will continue to have all applicable administrative appeal rights for denied claims associated with a non-affirmed prior authorization decision.

Additional information is available on the CMS website at *http://go.cms.gov/PAAmbulance.*

III. Collection of Information Requirements

As required by chapter 35 of title 44, United States Code (the Paperwork Reduction Act of 1995), the information collection burden associated with this national model (Form CMS–10708—Ambulance Prior Authorization) is currently approved under OMB control number 0938–1380 which expires on August 31, 2023.

IV. Regulatory Impact Statement

We have examined the impact of this rule as required by Executive Order 12866 on Regulatory Planning and Review (September 30, 1993), Executive Order 13563 on Improving Regulation and Regulatory Review (January 18, 2011), the Regulatory Flexibility Act (RFA) (September 19, 1980, Pub. L. 96–354), section 1102(b) of the Act, section 202 of the Unfunded Mandates Reform Act of 1995 (March 22, 1995; Pub. L. 104–4), Executive Order 13132 on Federalism (August 4, 1999), and the Congressional Review Act (5 U.S.C. 804(2)).

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). A Regulatory Impact Analysis (RIA) must be prepared for major rules with economically significant effects ($100 million or more in any 1 year). This rule does not reach the economic threshold and thus is not considered a major rule.

The RFA requires agencies to analyze options for regulatory relief of small entities. For purposes of the RFA, small entities include small businesses, nonprofit organizations, and small governmental jurisdictions. Most hospitals and most other providers and suppliers are small entities, either by nonprofit status or by having revenues of less than $8.0 million to $41.5 million in any 1 year. Individuals and states are not included in the definition of a small entity. We are not preparing an analysis for the RFA because we have determined, and the Secretary certifies, that this notice will not have a significant economic impact on a substantial number of small entities.

In addition, section 1102(b) of the Act requires us to prepare an RIA if a rule may have a significant impact on the operations of a substantial number of small rural hospitals. This analysis must conform to the provisions of section 604 of the RFA. For purposes of section 1102(b) of the Act, we define a small rural hospital as a hospital that is located outside of a Metropolitan Statistical Area for Medicare payment regulations and has fewer than 100 beds. We are not preparing an analysis for section 1102(b) of the Act because we have determined, and the Secretary certifies, that this notice will not have a significant impact on the operations of a substantial number of small rural hospitals.

Section 202 of the Unfunded Mandates Reform Act of 1995 also requires that agencies assess anticipated costs and benefits before issuing any rule whose mandates require spending in any 1 year of $100 million in 1995 dollars, updated annually for inflation. In 2021, that threshold is approximately $158 million. This rule will have no consequential effect on state, local, or tribal governments or on the private sector.

Executive Order 13132 establishes certain requirements that an agency

must meet when it promulgates a proposed rule (and subsequent final rule) that imposes substantial direct requirement costs on state and local governments, preempts state law, or otherwise has Federalism implications. Since this regulation does not impose any costs on state or local governments, the requirements of Executive Order 13132 are not applicable.

In accordance with the provisions of Executive Order 12866, this notice was not reviewed by the Office of Management and Budget.

The Administrator of the Centers for Medicare & Medicaid Services (CMS), Chiquita Brooks-LaSure, having reviewed and approved this document, authorizes Lynette Wilson, who is the Federal Register Liaison, to electronically sign this document for purposes of publication in the **Federal Register**.

Dated: August 24, 2021.

Lynette Wilson,

Federal Register Liaison, Centers for Medicare & Medicaid Services.

[FR Doc. 2021–18543 Filed 8–26–21; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Head Start Family and Child Experiences Survey (FACES) (OMB #0970–0151)

AGENCY: Office of Planning, Research, and Evaluation, Administration for Children and Families, HHS.

ACTION: Request for public comment.

SUMMARY: The Office of Planning, Research, and Evaluation (OPRE), Administration for Children and Families (ACF), U.S. Department of Health and Human Services (HHS), is proposing to collect data for a new wave of the Head Start Family and Child Experiences Survey (FACES) as well as a follow-up to a special data collection fielded in the fall of 2021.

DATES: *Comments due within 60 days of publication.* In compliance with the requirements of the Paperwork Reduction Act of 1995, ACF is soliciting public comment on the specific aspects of the information collection described above.

ADDRESSES: Copies of the proposed collection of information can be obtained and comments may be forwarded by emailing *OPREinfocollection@acf.hhs.gov.* Alternatively, copies can also be obtained by writing to the Administration for Children and Families, Office of Planning, Research, and Evaluation, 330 C Street SW, Washington, DC 20201, Attn: OPRE Reports Clearance Officer. All requests, emailed or written, should be identified by the title of the information collection.

SUPPLEMENTARY INFORMATION:

Description: The purpose of the FACES data collection is to support the 2007 reauthorization of the Head Start program (Pub. L. 110–134), which calls for periodic assessments of Head Start's quality and effectiveness. FACES 2019 focuses on Head Start Regions I through X (which are geographically based); AIAN (American Indian and Alaska Native) FACES 2019 focuses on Region XI (which funds Head Start programs that serve federally recognized American Indian and Alaska Native tribes). Both studies will provide data on a set of key indicators for Head Start programs. Information about the Head Start program recruitment and center selection processes and on the fall 2019, spring 2020, and fall 2021 data collection activities for both FACES and AIAN FACES can be found here: *https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202005-0970-009.*

This 60-day notice describes:

- The spring 2022 round of FACES program- and classroom-level data collection.
- A follow-up in spring 2022 of the fall 2021 FACES and AIAN FACES child-level data collection.

FACES spring 2022 data collection will take place in 180 Head Start programs nationwide. Of the 180 programs, 60 will have participated in fall data collection and 120 will be added to participate in classroom- and program-data collection only. AIAN FACES will continue in the same 22 programs that participated in 2019, 2020, and 2021 data collection. Data collection activities will include teacher sampling (for the 120 FACES programs not part of fall 2021), parent surveys, teacher child reports, staff surveys, and, for FACES, classroom observations.

In the additional 120 programs added to FACES in spring 2022, data collection will begin with sampling of FACES teachers in 240 Head Start centers. Study team members will request a list of all teachers working with Head Start-funded children.

As in fall 2021, for the spring 2022 follow-up data collection, FACES will survey the parents of 2,400 Head Start children in Regions I–X (FACES 2019) and 800 children in Region XI (AIAN FACES 2019) and ask their Head Start teachers to rate children's learning skills and social and emotional skills. Parents of sampled children (2,400 for FACES and 800 for AIAN FACES) will complete surveys on the web or by telephone about their children and family. In all 202 programs (180 for FACES and 22 for AIAN FACES), Head Start teachers will rate each sampled child (approximately 10 children per teacher) using the web or paper-and-pencil forms. Teachers, program directors, and center directors will also complete a survey, also using the web or paper-and-pencil forms, about themselves and the services and instruction in Head Start.

Respondents: Parents of Head Start children; Head Start staff.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents (total over request period)	Number of responses per respondent (total over request period)	Average burden per response (in hours)	Total burden (in hours)	Annual burden (in hours)
FACES 2019 spring 2022 special teacher sampling form from Head Start staff	240	1	.17	41	14
FACES 2019 special Head Start parent survey	2,400	1	.58	1,392	464
FACES 2019 special Head Start teacher child report	240	10	.17	408	136
FACES 2019 Head Start teacher survey	720	1	.67	482	161
FACES 2019 Head Start center director survey	360	1	.58	209	70
FACES 2019 Head Start program director survey	180	1	.67	121	40
AIAN FACES 2019 special Head Start parent survey	800	1	.58	464	155

ANNUAL BURDEN ESTIMATES—Continued

Instrument	Number of respondents (total over request period)	Number of responses per respondent (total over request period)	Average burden per response (in hours)	Total burden (in hours)	Annual burden (in hours)
AIAN FACES 2019 special Head Start teacher child report	90	9	.17	138	46
AIAN FACES 2019 Head Start teacher survey	90	1	.58	52	17
AIAN FACES 2019 Head Start center director survey	42	1	.50	21	7
AIAN FACES 2019 Head Start program director survey	22	1	.50	11	4

Estimated Total Annual Burden Hours: 1,114.

Comments: The Department specifically requests comments on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) 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. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Authority: Section 640(a)(2)(D) and section 649 of the Improving Head Start for School Readiness Act of 2007.

Mary B. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2021–18519 Filed 8–26–21; 8:45 am]

BILLING CODE 4184–22–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Data Collection for the Integrating Financial Capability and Employment Services Project (New Collection)

AGENCY: Office of Planning, Research, and Evaluation, Administration for Children and Families, HHS.

ACTION: Request for public comment.

SUMMARY: The Office of Planning, Research, and Evaluation (OPRE), Administration for Children and Families (ACF), U.S. Department of Health and Human Services (HHS), is proposing a data collection activity as part of the Integrating Financial Capability and Employment Services Project. The objective of this project is to better understand financial capability interventions offered in the context of delivering employment and training services for low-income adults. This descriptive study intends to use this information to build more evidence about the extent, forms, and practices of incorporating financial capability interventions into organizations delivering employment and training services for low-income adult populations, and to help establish a basis for future research and evaluation in this area. This project will focus on organizations delivering employment and training services that also offer financial capability services to low-income adults.

DATES: *Comments due within 60 days of publication.* In compliance with the requirements of the Paperwork Reduction Act of 1995, ACF is soliciting public comment on the specific aspects of the information collection described above.

ADDRESSES: Copies of the proposed collection of information can be obtained and comments may be forwarded by emailing *OPREinfocollection@acf.hhs.gov.* Alternatively, copies can also be obtained by writing to the Administration for Children and Families, Office of Planning, Research, and Evaluation, 330 C Street SW, Washington, DC 20201, Attn: OPRE Reports Clearance Officer. All requests, emailed or written, should be identified by the title of the information collection.

SUPPLEMENTARY INFORMATION:

Description: The objective of the Integrating Financial Capability and Employment Services Project is to better understand financial capability interventions offered in the context of delivering employment and training services for low-income adults. This descriptive study intends to use the information collected to build more evidence about the extent, forms, and practices of incorporating financial capability interventions into organizations delivering employment and training services for low-income adult populations, and to help establish a basis for future research and evaluation in this area. This project will focus on organizations delivering employment and training services that also offer financial capability services to low-income adults and will include:

- An online survey of organizations to document important factors driving the decision to incorporate financial capability services as well as key inputs, activities, and outputs involved in offering such services;
- phone interviews of administrators of organizations to gather qualitative information on how organizations implement financial capability across a variety of program types;
- virtual site visits to four organizations to collect in-depth qualitative information from multiple perspectives on notable models;
- interviews with participants to provide context on participants' perspectives on these services;
- interviews with employers offering financial capability services to collect qualitative information on the types of financial capability services delivered in the employer context; and
- focus groups with administrators of organizations to identify challenges integrating financial capability services into employment and training services.

Respondents: Individuals that are currently receiving or have received financial capability services; administrators, managers, and staff of employment and training programs; managers and staff of programs that partner with employment and training programs; and leadership at private employers.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents (total over request period)	Number of responses per respondent (total over request period)	Average burden per response (in hours)	Total/annual burden (in hours)
Survey of Employment and Training Programs	80	1	.33	27
Phone Interviews	15	1	1.5	23
Virtual Site Visit Interviews	32	1	1.5	48
Participant Interviews	16	1	1.5	24
Employer Interviews	10	1	1	10
Program Administrator Focus Groups	10	1	1.5	15

Estimated Total Annual Burden Hours: 147.

Comments: The Department specifically requests comments on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) 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. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Authority: 42 U.S.C. 613.

Mary B. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2021–18520 Filed 8–26–21; 8:45 am]

BILLING CODE 4184–09–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Evaluation of the Family Unification Program—Extension (OMB #0970–0514)

AGENCY: Office of Planning, Research, and Evaluation, Administration for Children and Families, HHS.

ACTION: Request for public comment.

SUMMARY: The Administration for Children and Families (ACF) at the U.S. Department of Health and Human Services (HHS) requests an extension to continue data collection for the Evaluation of the Family Unification Program (FUP) (OMB #0970–0514). Information collection activities requested include interviews, focus group discussions, program data, and administrative data collection.

DATES: *Comments due within 30 days of publication.* OMB must make a decision about the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

SUPPLEMENTARY INFORMATION:

Description: The ACF, Office of Planning, Research, and Evaluation (OPRE) requests public comment on a proposed extension to a currently approved information collection for the Evaluation of FUP. The approved instruments, supporting statements, and attachments are available at *https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202009-0970-004.* No changes are proposed.

Activities include site visits to each program to speak with program leaders, partners and key stakeholders, front-line staff, and participants as well as program and administrative data collection. The evaluation will contribute to understanding the effects of FUP on project participants' child welfare involvement. This evaluation is part of a larger project to help ACF build the evidence base in child welfare through rigorous evaluation of programs, practices, and policies. The Department of Housing and Urban Development (HUD) funds and administers FUP. The study will also contribute to HUD's understanding of how housing can serve as a platform for improving quality of life.

Respondents: Public housing authority staff, public child welfare agency staff, other services provider staff, and child welfare-involved families.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents (total over request period)	Number of responses per respondent (total over request period)	Average burden per response (in hours)	Total burden (in hours)	Annual burden (in hours)
Guide for Implementation Study for PCWA Management	2	1	1.00	2.00	1
Guide for Implementation Study for PHA Management	2	1	1.00	2.00	1
Guide for Implementation Study for CoC Management	2	1	1.00	2.00	1

ANNUAL BURDEN ESTIMATES—Continued

Instrument	Number of respondents (total over request period)	Number of responses per respondent (total over request period)	Average burden per response (in hours)	Total burden (in hours)	Annual burden (in hours)
Guide for Implementation Study for Referral Provider Administrators	2	1	1.00	2.00	1
Guide for Implementation Study with PCWA FUP Management (Second)	2	1	1.00	2.00	1
Guide for Implementation Study for PHA FUP Management	2	1	1.00	2.00	1
Guide for Implementation Study Focus Groups with PHA Frontline Workers	6	1	1.50	9.00	3
Guide for Implementation Study for Parents (Second, Third)	72	1	1.50	108	36
Guide for Implementation Study Focus Groups with Frontline Workers	180	1	1.50	270	90
Guide for Implementation Study for PCWA FUP Management (Third)	6	1	1.00	6.00	2
Guide for Implementation Study for Service Provider Management	5	1	1.00	5.00	2
Housing Status Form	185	31	0.04	230	77
Referral Form	60	10	0.17	102	34
Randomization Tool	3	200	0.02	12	4
Housing Assistance Questionnaire	120	3	0.09	33	11
Ongoing Services Questionnaire	120	3	0.09	33	
Dashboard	12	27	0.17	56	19
Administrative Data List	18	2	5.00	180	60

Estimated Total Annual Burden Hours: 355.

Authority: 42 U.S.C. 676.

Mary B. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2021–18438 Filed 8–26–21; 8:45 am]

BILLING CODE 4184–25–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[CMS–3402–N]

Secretarial Review and Publication of the 2020 Annual Report to Congress and the Secretary Submitted by the Consensus-Based Entity Regarding Performance Measurement

AGENCY: Office of the Secretary, Health and Human Services, (HHS).

ACTION: Notice.

SUMMARY: This notice acknowledges the Secretary of the Department of Health and Human Services (the Secretary) receipt and review of the National Quality Forum 2020 Annual Activities Report to Congress and the Secretary submitted by the consensus-based entity (CBE) under a contract with the Secretary as mandated by the Social Security Act (the Act). The Secretary has reviewed and determined that the National Quality Forum's 2020 Annual Report satisfied all requirements mandated in statute, and is publishing the report in the **Federal Register** together with the Secretary's comments on the report not later than 6 months after receiving the report in accordance with section 1890(b)(5)(B) of the Act. This notice fulfills the statutory requirements.

FOR FURTHER INFORMATION CONTACT: LaWanda Burwell, (410) 294–2056.

I. Background

The United States Department of Health and Human Services (HHS) has long recognized that a high functioning health care system that provides higher quality care requires accurate, valid, and reliable measurement of quality and efficiency. The Medicare Improvements for Patients and Providers Act of 2008 (MIPPA) (Pub. L. 110–275) added section 1890 of the Social Security Act (the Act), which requires the Secretary of HHS (the Secretary) to contract with a consensus based entity (CBE) to perform multiple duties to help improve performance measurement. Section 3014 of the Patient Protection and Affordable Care Act (the Affordable Care Act) (Pub. L. 111–148) expanded the duties of the CBE to help in the identification of gaps in available measures and to improve the selection of measures used in health care programs. The Secretary extends his appreciation to the CBE in their partnership for the fulfillment of these statutory requirements.

In January 2009, a competitive contract was awarded by HHS to the National Quality Forum (NQF) to fulfill requirements of section 1890 of the Act. A second, multi-year contract was awarded again to NQF after an open competition in 2012. A third, multi-contract was awarded again to NQF after an open competition in 2017. Section 1890(b) of the Act requires the following:

Priority Setting Process: Formulation of a National Strategy and Priorities for Health Care Performance Measurement. The CBE must synthesize evidence and convene key stakeholders to make recommendations on an integrated national strategy and priorities for health care performance measurement in all applicable settings. In doing so, the CBE must give priority to measures that: (1) Address the health care provided to patients with prevalent, high-cost chronic diseases; (2) have the greatest potential for improving quality, efficiency, and patient-centered health care; and (3) may be implemented rapidly due to existing evidence, standards of care, or other reasons. In addition, the CBE must take into account measures that: (1) May assist consumers and patients in making informed health care decisions; (2) address health disparities across groups and areas; and (3) address the continuum of care furnished by multiple providers or practitioners across multiple settings.

Endorsement of Measures: The CBE must provide for the endorsement of standardized health care performance measures. This process must consider whether measures are evidence-based,

reliable, valid, verifiable, relevant to enhanced health outcomes, actionable at the caregiver level, feasible to collect and report, responsive to variations in patient characteristics such as health status, language capabilities, race or ethnicity, and income level and are consistent across types of health care providers, including hospitals and physicians.

Maintenance of CBE Endorsed Measures: The CBE is required to establish and implement a process to ensure that endorsed measures are updated (or retired if obsolete) as new evidence is developed.

Convening Multi-Stakeholder Groups. The CBE must convene multi-stakeholder groups to provide input on: (1) The selection of certain categories of quality and efficiency measures, from among such measures that have been endorsed by the entity and from among such measures that have not been considered for endorsement by such entity but are used or proposed to be used by the Secretary for the collection or reporting of quality and efficiency measures; and (2) national priorities for improvement in population health and in the delivery of health care services for consideration under the national strategy. The CBE provides input on measures for use in certain specific Medicare programs, for use in programs that report performance information to the public, and for use in health care programs that are not included under the Act. The multi-stakeholder groups provide input on quality and efficiency measures for various federal health care quality reporting and quality improvement programs including those that address certain Medicare services provided through hospices, ambulatory surgical centers, hospital inpatient and outpatient facilities, physician offices, cancer hospitals, end stage renal disease (ESRD) facilities, inpatient rehabilitation facilities, long-term care hospitals, psychiatric hospitals, and home health care programs.

Transmission of Multi-Stakeholder Input. Not later than February 1 of each year, the CBE must transmit to the Secretary the input of multi-stakeholder groups.

Annual Report to Congress and the Secretary. Not later than March 1 of each year, the CBE is required to submit to the Congress and the Secretary an annual report. The report is to describe:

- The implementation of quality and efficiency measurement initiatives and the coordination of such initiatives with quality and efficiency initiatives implemented by other payers;
- Recommendations on an integrated national strategy and priorities for health care performance measurement;
- Performance of the CBE's duties required under its contract with the Secretary;
- Gaps in endorsed quality and efficiency measures, including measures that are within priority areas identified by the Secretary under the national strategy established under section 399HH of the Public Health Service Act (National Quality Strategy), and where quality and efficiency measures are unavailable or inadequate to identify or address such gaps;
- Areas in which evidence is insufficient to support endorsement of quality and efficiency measures in priority areas identified by the Secretary under the National Quality Strategy, and where targeted research may address such gaps; and
- The convening of multi-stakeholder groups to provide input on: (1) The selection of quality and efficiency measures from among such measures that have been endorsed by the CBE and such measures that have not been considered for endorsement by the CBE but are used or proposed to be used by the Secretary for the collection or reporting of quality and efficiency measures; and (2) national priorities for improvement in population health and the delivery of health care services for consideration under the National Quality Strategy.

Section 50206(c)(1) of the Bipartisan Budget Act of 2018 (Pub. L. 115–123) amended section 1890(b)(5)(A) of the Act to require the CBE's annual report to the Congress include the following: (1) An itemization of financial information for the previous fiscal year ending September 30th, including annual revenues of the entity, annual expenses of the entity, and a breakdown of the amount awarded per contracted task order and the specific projects funded in each task order assigned to the entity; and (2) any updates or modifications to internal policies and procedures of the entity as they relate to the duties of the CBE including specifically identifying any modifications to the disclosure of interests and conflicts of interests for committees, work groups, task forces, and advisory panels of the entity, and information on external stakeholder participation in the duties of the entity.

The statutory requirements for the CBE to annually report to the Congress and the Secretary also specify that the Secretary must review and publish the CBE's annual report in the **Federal Register**, together with any comments of the Secretary on the report, not later than 6 months after it has been received.

This **Federal Register** notice complies with the statutory requirement for Secretarial review and publication of the CBE's annual report. NQF submitted a report on its 2020 activities to the Congress and the Secretary on March 1, 2020. The Secretary's Comments on this report are presented in section II. of this notice, and the National Quality Forum 2020 Activities Report to the Congress and the Secretary is provided, as submitted to HHS, in the addendum to this **Federal Register** notice in section III.

II. Secretarial Comments on the National Quality Forum 2020 Activities: Report to Congress and the Secretary of the Department of Health and Human Services

Once again, we thank the NQF and the many stakeholders who participate in NQF projects for helping to advance the science and utility of health care quality measurement. Access to care, quality, and health outcomes took on a new urgency in 2020 as the COVID–19 Public Health Emergency (PHE) emerged, surged, and persisted across the United States. As the COVID–19 PHE endured, The Centers for Medicare and Medicaid Services (CMS) coordinated with NQF to ensure that measure endorsement and maintenance reviews did not stand in the way of frontline clinicians' life-saving efforts. Measure review meetings originally scheduled for spring and summer of 2020 were re-convened later in the year and all meetings became virtual. These changes aimed at freeing up the schedules of frontline clinicians on the Standing Committees so that they could prioritize for the COVID–19 PHE. The dedication of the NQF Standing Committees and agility of NQF's staff played a crucial role in maintaining a strong portfolio of endorsed measures for use across varied providers, settings of care, and health conditions. NQF reports that in 2020, it updated its measure portfolio by reviewing 84 measures and endorsing 65. Endorsed measures address a wide range of health care topics relevant to HHS programs, including: person- and family-centered care; care coordination; palliative and end-of-life care; cardiovascular care; behavioral health; pulmonary/critical care; perinatal care; cancer treatment; patient safety; and cost and resource use.

In addition to maintaining measures endorsement, NQF worked to remove measures from the portfolio for a variety of reasons (for example, measures no longer meeting endorsement criteria;

harmonization between similar measures; replacement of outdated measures with improved measures; and lack of continued need for measures where providers consistently perform at the highest level). This continuous refinement of the measures portfolio through the measures maintenance process ensures that quality measures remain aligned with current field practices and health care goals. Measure set refinements also align with the HHS initiatives, such as the Meaningful Measures Framework at CMS. CMS is working to identify the highest priorities for quality measurement and improvement and promote patient-centered, outcome-based measures that are meaningful to patients and clinicians.

Throughout 2020, NQF continued the important work of building consensus from stakeholders on strategies to leverage quality measurement to improve health outcomes. The COVID–19 PHE has glaringly exposed and exacerbated pre-existing health care disparities.[1] [2] Social determinants of health (SDoH) are crucial factors in health outcomes, and significant health disparities persist. The COVID–19 PHE has further illustrated longstanding health inequities with higher rates of infection, hospitalizations, and mortality among black, Latino, and Indigenous and Native American persons relative to white persons. Equity is not a new challenge, but despite past efforts, disenfranchised groups continue to experience worse health outcomes. Providing the highest quality of care is only possible, if we deliver equitable care.

CMS strives to understand and address repercussions of the COVID–19 PHE on disparities. CMS has continued to leverage its partnership with NQF, recognizing NQF's unique role as a CBE and its experience developing multi-stakeholder consensus. In 2020, CMS funded a project that focuses on quality measures for assessing the impact of telehealth on rural health care system readiness and disaster-related health outcomes. Another new project focuses on best practices for functional and social risk adjustment, including potential data sources other than those currently used by developers. CMS also funded a new project on quality measures that could encourage collaboration between the health care and non-health care sectors, like social work, public safety, and criminal justice to combat polysubstance use among opioid users with behavioral health conditions.

NQF also continued to carry out several CMS-funded projects awarded before 2020 for which health equity is front and center (for example, the Maternal Morbidity and Mortality project and the Social Risk Trial to galvanize stakeholders' efforts to reduce disparities by closing the performance gap.

Facilitating health equity across settings and payers is just some of many areas in which NQF partners with HHS to enhance and protect the health and well-being of all Americans. Meaningful quality measurement is essential to the success of value-based purchasing, as evidenced in many of the targeted projects that NQF is being asked to undertake. HHS greatly appreciates the ability to bring many and diverse stakeholders to the table to unleash innovation for quality measurement as a key component to value-based transformation. We look forward to continued strong partnership with the NQF in this ongoing endeavor.

III. Collection of Information Requirements

This document does not impose information collection requirements, that is, reporting, recordkeeping, or third-party disclosure requirements. Consequently, there is no need for review by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Dated: August 23, 2021.

Xavier Becerra,

Secretary, Department of Health and Human Services.

BILLING CODE 4150–28–P

[1] Zelner, J., R. Trangucci, and R. Naraharisetti, et al (November 21, 2020). Racial Disparities in Coronavirus Disease 2019 (COVID–19) Mortality are Driven by Unequal Infection Risks. *Clinical Infectious diseases,* claa1723. *https://doi.org/10.1093/cid/ciaa1723*

[2] Ortiz, N., and D. Flamini (May 1, 2020) Does COVID–19 discriminate? Experts Discuss Pandemic's Effect on Minority Groups. (*https://www.nbcmiami.com/news/local/does-covid-19-discriminate-experts-discuss-pandemics-effect-on-minority-groups/2227096/,* accessed 2/24/2021).

NQF 2020 Activities: Report to Congress and the Secretary of the Department of Health and Human Services

Final Report

This report was funded by the Centers for Medicare & Medicaid Services under contract number HHSM-500-2017-00060I Task Order HHSM-500-T0002.

Contents

I. Executive Summary

The National Quality Forum (NQF) is a not-for-profit, non-partisan, membership-based organization that works together with healthcare stakeholders as a catalyst to drive measurable health improvements. A collaborative approach driven by science, these experts provide a balanced perspective to advancing quality measurement and improvement strategies that help the nation achieve better and affordable care, while improving the overall health of Americans.

The Social Security Act—specifically section 1890(b)(5)(A)—mandates that the entity (in this case, NQF) report to Congress and the Secretary of the Department of Health and Human Services (HHS) highlights work performed in 2020 under contract with HHS. This annual report summarizes the following five areas:

- Recommendations on the National Quality Strategy and Priorities
- Quality and Efficiency Measurement Initiatives (Performance Measures)
- Stakeholder Recommendations on Quality and Efficiency Measures and National Priorities
- Gaps in Endorsed Quality and Efficiency Measures
- Gaps in Evidence and Targeted Research Needs

Recommendations on the National Quality Strategy and Priorities

The National Quality Strategy (NQS), first published in 2011, was established as a coordinated approach for quality improvement in healthcare. This strategy focused on three aims to improve health and the quality of healthcare targeting local, state, and national efforts. With NQS as a foundation, the Centers for Medicare & Medicaid Services (CMS) established the *Meaningful Measures* framework that identifies specific priorities addressing core topics that are critical to providing high quality care and improving individual outcomes. NQF and CMS continue to work together to ensure that NQF's work aligns with this framework to assess core issues that are most vital to high quality care and better patient outcomes.

NQF is committed to addressing national health priorities and collaborating with important stakeholders to drive better outcomes. This year, the COVID-19 pandemic has highlighted both the strengths and weaknesses in America's healthcare delivery system. CMS and NQF recognized and worked to address some immediate challenges that came to light during the pandemic. To aid in this effort, NQF received funding for a series of projects that would help to tackle some of the challenges the healthcare community has faced since the onset of this pandemic.

Quality and Efficiency Measurement Initiatives (Performance Measures)

NQF is committed to driving the use of best-in-class quality measures for use in federal and private improvement programs (including statutorily mandated Medicare programs, such as the Quality Payment Program, Hospital Value-Based Purchasing (VBP) Program, and other reporting initiatives across various care settings). Through a consensus-based approach, measures undergo careful evaluation through a set of rigorous criteria to ensure that they address aspects of care that are important and feasible to measure, provide consistent and credible information, and can be used for quality improvement and decision making. This year, NQF endorsed 84 measures across a variety of clinical and cross-cutting topic areas.

Performance measures also rely on evidence-based research and scientific methodology to ensure highly reliable and valid outcomes that represent and affect patient care. To that end, with funding from HHS, NQF undertook new work to provide technical guidance to measure developers on complex

methodological issues. *Best Practices for Developing and Testing Risk Adjustment Models* focused on the importance of exploring and appropriately adjusting or stratifying for social and functional risk factors so that providers can be accurately assessed and not inappropriately penalized financially just because their patient populations are sicker or have special healthcare needs. NQF also continued its efforts with the *Social Risk Trial* by working with its Scientific Methods Panel (SMP) to review social risk adjustment approaches for outcome measures submitted for endorsement or re-endorsement. The SMP and NQF's Disparities Committee also examined the technical issues that remained inconclusive at the end of the initial trial to finalize recommendations for the government on social risk adjustment.

Stakeholder Recommendations on Quality and Efficiency Measures and National Priorities
Measure alignment across the public and private sector is vital to reducing burden for providers and clinicians and allows for quality comparisons across providers and programs. NQF recommends the best-in-class quality measures for use in federal and private improvement programs. This effort for measure alignment continued during 2020. Specific projects include the Core Quality Measures Collaborative (CQMC) and the Measures Application Partnership (MAP).

The CQMC is a membership-driven initiative with funding provided by CMS and America's Health Insurance Plans (AHIP). Over 70 organizations are members of the CQMC, including CMS, health insurance providers, primary care and specialty societies, and consumer and employer groups. This group is working to reduce measurement burden by facilitating cross-payer measure alignment through the development and adoption of core measure sets to assess the quality of US healthcare.

The Measure Applications Partnership (MAP), convened by NQF since its inception in 2011, provides guidance on the use of performance measures in federal healthcare quality programs. These recommendations are made by MAP through its pre-rulemaking process, which enables a multistakeholder dialogue, with both the public and private sectors, to assess measurement priorities for these programs. MAP reviews measures that CMS is considering for implementation and provides guidance on their acceptability and value to stakeholders. This review focuses on the selection of high quality measures that optimally address health system improvement priorities, fill critical measurement gaps, and increase alignment.

Gaps in Endorsed Quality and Efficiency Measures
Multistakeholder committees continue to discuss and identify gaps that exist in current measure portfolios and the impact on quality of care. In addition to its role of recommending measures for potential inclusion into federal programs, MAP also provides guidance on identified measurement gaps at the individual federal program level. MAP specifically addressed the high-priority domains CMS identified in each of the federal programs for future measure consideration.

Gaps in Evidence and Targeted Research Needs
NQF's foundational frameworks identify and address measurement gaps in important healthcare areas, underpin future efforts to improve quality through metrics, and ensure safer, patient-centered, and cost-effective care that reflects current science and evidence. In 2020, NQF undertook several projects to create strategic approaches, or frameworks, to measure quality in areas critical to improving health and healthcare for the nation but for which quality measures are too few, underdeveloped, or nonexistent. Efforts included measurement frameworks for maternal morbidity and mortality, person-centered planning and practice, measure feedback loop, patient-reported outcomes (PROs), electronic health record (EHR) data quality, common formats for patient safety, and reducing diagnostic error. In

addition, NQF initiated work on five new strategic measurement frameworks addressing attribution, rural health, opioids and behavioral health, EHR-sourced measures for care coordination, and patient-reported outcome performance measures (PRO-PMs).

Taken together, NQF's quality work continues to be foundational to efforts to achieve a cost-efficient, high quality, and value-based healthcare system that ensures the best care for Americans and the best use of the nation's healthcare dollars. The deliverables NQF produced under contract with HHS in 2020 are referenced throughout this report, and a full list is included in Appendix A.

II. NQF Funding and Operations

In 2018, the Bipartisan Budget Act amended the requirements of this annual report to include, in addition to the previous requirements set forth, new contract, financial, and operational information related to the Consensus-Based Entity (CBE). *Section 1890(b)(5)(A) of the Social Security Act is amended by adding the following financial and operations information in the Annual Report to Congress and the Secretary —*

- *an itemization of financial information for the fiscal year ending September 30 of the preceding year, including:*
  - *Annual revenues of the entity (including any government funding, private sector contributions, grants, membership revenues, and investment revenue)*
  - *Annual expenses of the entity (including grants paid, benefits paid, salaries and other compensation, fundraising expenses, and overhead costs); and*
  - *a breakdown of the amount awarded per contracted task order and the specific projects funded in each task order assigned to the entity*
- *Any updates or modifications of internal policies and procedures of the entity as they relate to the duties of the entity under this section, including (i) specifically identifying any modifications to the disclosure of interest and conflicts of interests for committees, work groups, task forces, and advisory panels of the entity; and (ii) information on external stakeholder participation in the duties of the entity under this section (including complete rosters for all committees, work groups, task forces, and advisory panels funded through government contracts, descriptions of relevant interests and any conflicts of interests for members of all committees, work groups, task forces and advisory panels, and total percentage by health care sector of all convened committees, work groups, task forces, and advisory panels.*

NQF's revenues for FY 2020 were $21,881,093 million, including federal funds authorized under SSA 1890(d), private-sector contributions, membership revenue, and investment revenue. NQF's expenses for FY 2020 were $19,286,448 million. These expenses include grants and benefits paid, salaries and other compensations, fundraising expenses, and overhead costs.

A complete breakdown of the amount awarded per contract is available in Appendix A. Additionally, NQF continues to institute its conflict of interest process. All multistakeholder groups (committee, workgroups, task force, and advisory panels) must disclose any potential bias or conflicts of interest prior to being appointed. In 2020, NQF has made no updates or modifications to its disclosure of interest and conflict of interest policies. Rosters of committees and workgroups funded under the CBE contract are available in Appendix B.

III. Recommendations on the National Quality Strategy and Priorities

Section 1890(b)(1) of the Social Security Act (the Act) mandates that the CBE shall synthesize evidence and convene key stakeholders to make recommendations . . . on an integrated national strategy and priorities for health care performance measurement in all applicable settings. In making such recommendations, the CBE shall ensure that priority is given to measures: (i) that address the health care provided to patients with prevalent, high-cost chronic diseases; (ii) with the greatest potential for improving the quality, efficiency, and patient-centeredness of health care; and (iii) that may be implemented rapidly due to existing evidence, standards of care, or other reasons. In addition, the CBE is to "take into account measures that: (i) may assist consumers and patients in making informed health care decisions; (ii) address health disparities across groups and areas; and (iii) address the continuum of care a patient receives, including services furnished by multiple health care providers or practitioners and across multiple settings." The CBE is required to describe this activity in this report pursuant to section 1890(b)(5)(A)(i)(II) of the Act.

The NQS, first published in 2011, was established as a coordinated approach for quality improvement in healthcare. This strategy outlined three aims used to guide and assess local, state, and national efforts to improve health and the quality of healthcare; six priorities focused on reducing harm, engaging families, improving coordination of care, and making quality care more affordable. Using NQS as a foundation, CMS established a Meaningful Measures initiative, which identifies specific priorities addressing core topics that are critical to providing high quality care and improving individual outcomes. NQF aligned work and efforts in 2020 with the CMS Meaningful Measures framework, specifically the meaningful measure areas of equity of care, prevention and treatment of opioid and substance use disorder, patient's experience of care, and transfer of health information and interoperability. Several NQF projects focused on targeting these areas and are referenced through four major themes – COVID-19 and NQF Response, Patient-Directed Outcomes, Digital Measurement, and Aligning Quality Measurement.

Impact of COVID-19 and NQF Response

NQF gathered data, through several multistakeholder discussions, on the impact of the COVID-19 pandemic as it relates to quality measurement and reporting. These findings highlighted the immediate challenges facing active NQF endorsement and maintenance activities. Committee members responding to the COVID-19 pandemic (e.g., front-line clinicians) were faced with competing priorities, which limited their ability to actively participate on committees. NQF member organizations began focusing their resources to target the negative impact of the pandemic, while measure developers faced challenging timelines with limited staff time and access to testing sites. To address these challenges while balancing multiple stakeholders' needs and continuing this important work, NQF provided greater flexibility for stakeholders active in the endorsement process. This included extending public commenting periods and creating two timeline tracks for submitting measures to promote optimal participation.

Additionally, NQF issued a statement encouraging end-users to work closely with measure developers to think through optimal temporary adjustment strategies in order to preserve validity, reliability, and risk adjustment appropriateness. To that end, NQF will not review any temporary changes to measure specifications in 2020 and is committed to providing more guidance, if needed, as the situation evolves.

Lastly, in 2020, NQF received funding for a series of projects that would help to tackle some of the challenges the healthcare community has faced since the onset of this pandemic.

Best Practices for Developing and Testing Risk Adjustment Models

COVID-19 has disproportionally affected racial/ethnic minority groups and exacerbated existing disparities confronting the medically underserved. Compared to Medicare-only beneficiaries (Centers for Medicare & Medicaid Services, 2020), dual-eligibles have a considerably higher number of hospitalizations across racial, ethnic, and gender categories during the COVID-19 pandemic thus far. This demonstrates that race, gender, and clinical factors may not fully explain the difference in health outcomes. The First Report from the Assistant Secretary for Planning and Evaluation (ASPE) to Congress found that functional status is also an important indicator of poor outcomes but is not always included in measure risk adjustment (US Department of Health & Human Services, 2020). This further underscores the importance of exploring and appropriately adjusting or stratifying for all applicable social and functional risk factors so that providers can be accurately assessed and not inappropriately penalized financially just because their patient populations are sicker or have special healthcare needs.

COVID-19 has also revealed opportunities to improve access to care for those socially disadvantaged. Assessing risk factor interactions, such as access to coronavirus testing and socioeconomic status, are important considerations in the development of a standard social risk adjustment process. This newly funded project will review current best practices for developing and testing risk adjustment models for quality measurement.

Addressing Opioid-Related Outcomes Among Individuals With Co-occurring Behavioral Health Conditions

The ongoing opioid epidemic has been compounded by COVID-19 with research indicating increases in opioid-associated morbidity and mortality (Williams, 2020). People who have been battling addiction have found themselves increasingly isolated and with fewer distractions from dependency behaviors due to COVID-19 social restrictions, placing them at increased risk for recovery setbacks (Blum Alexander B. et al., 2014; Franks & Fiscella, 2002). COVID-19 has also resulted in decreased access to treatment for opioid and other substance dependencies. With increasing use of telemedicine, clinicians are challenged to ensure appropriate drug screening is conducted during routine appointments (Silva & Kelly, 2020)

This newly funded project will develop an environmental scan to assess the current state of opioid-related healthcare quality measurement. NQF will also convene a Committee to help identify gaps and provide recommendations on the inclusion of measures in various federal programs and future measure development efforts regarding challenges posed by opioid use in the United States (US).

Attribution for Critical Illness and Injury

The COVID-19 pandemic has presented situations in which opportunities for time-sensitive care are often based on geography rather than health system network affiliation. Localized emergencies and nationwide threats to public health require population-level responses, including timely diagnosis, tracking, interventions, and coordination to achieve the best outcomes for all patients. A new approach in measurement attribution is needed for quality measurement to reflect the reality and challenges of improving health outcomes during emergencies.

The ongoing pandemic has underscored the challenges of making accurate attribution of the patient's coronavirus infection-related health outcomes to providers. An individual who seeks coronavirus testing or treatment may receive care from a stand-alone urgent care center, a neighborhood pharmacy, first responders, emergency department (ED) clinicians or intensive care units of more than one hospital, and multiple nurses and specialists. Where patients can receive care is contingent on factors such as the ED's or hospital's surge capacity, availability of ventilators, a patient's means of transportation to testing sites, and availability of coronavirus tests in the patient's community or state of residence. Providers involved in a patient's care may not belong to the same network and may not be able to communicate with each other using interoperable EHRs about the individual's healthcare needs. As a result, primary care providers, who usually assume the role of care coordinator, may or may not be aware of their patients' coronavirus-related ED visits or inpatient stays. These factors represent important examples of why geographic or population-based measure attribution models are needed to support team-based, coordinated emergency responses.

NQF will convene a multistakeholder Committee to make recommendations for developing geographical/population-based attribution models applicable to the quality measurement of high-acuity emergency care sensitive conditions (ECSCs) resulting from mass casualty incidents, such as the COVID-19 pandemic, trauma resulting from mass shooting or bombing, natural disasters (e.g., hurricanes, wildfires, and earthquakes), and other public health emergencies.

Patient-Directed Outcomes

Patient and family engagement are increasingly acknowledged as key components of a comprehensive strategy, along with performance improvement and accountability to achieve a high quality, affordable health system. Emerging evidence affirms that patients who are engaged in their care tend to experience better outcomes and choose less costly but effective interventions, such as physical therapy for low back pain, after participating in a process of shared decision making.

NQF continues to strategically focus on including the patient perspective within the Consensus Development Process (CDP) and during the review and evaluation of measures, in addition to expanding upon measurement for PROs. Highlighted below are two CMS-funded projects that emphasize efforts to address patient outcomes.

Patient and Caregiver Engagement (PACE) Advisory Group

NQF values the patient and caregiver voice in the endorsement process, which resulted in the convening of the Patient and Caregiver Engagement (PACE) Advisory Group to provide guidance on NQF's initiatives to enhance patient and caregiver engagement on NQF Standing Committees, such as providing assistance with recruiting patients/caregivers during the CDP nominations cycle, developing a patient/caregiver CDP orientation session, and developing a pilot mentorship program to support new patients/caregivers on CDP Standing Committees. The PACE Advisory Group, composed of 15 patient and caregiver representatives, provided input on strategies for recruiting patients and caregivers, reducing barriers to patient and caregiver participation, and preparing patients and caregivers to participate successfully in Committee discussions. To support new patients and caregivers on Committees, NQF instituted a mentorship program for new patients and caregivers that was implemented for the fall 2020 endorsement measure evaluation cycle. NQF also worked with Standing Committee co-chairs to actively engage patients and caregivers in meetings to provide their perspective, enhancing Committee deliberations and supporting stakeholder diversity.

Patient-Reported Outcomes (PROs): Best Practices on Selection and Data Collection

This CMS funded project addressed the barriers faced in the adoption of patient-reported outcomes (PROs) and patient-reported outcome performance measures (PRO-PMs). The project reviewed five commonly used PRO categories, then presented four best practices for PRO selection in clinical care. Identified in the report are ways to engage patients in a multistakeholder selection process as the voice of patients, family members, and caregivers is critical to the PRO selection process. Also outlined in the report is guidance to clinicians and organizations that can be used in addressing barriers in care management and planning, barriers that affect the selection and implementation of PROs and PRO-PMs. The final report reviews commonly used PRO categories and discusses best practices for PRO selection.

Building a Roadmap From Patient-Reported Outcome Measures to Patient-Reported Outcome-Performance Measures

Commencing in late 2020, the project will convene a multistakeholder Technical Expert Panel (TEP) to help identify attributes of high quality patient-reported outcome measures (PROMs) and to provide guidance to measure developers on how to develop digital PRO-PMs based on those PROMs through a step-by-step roadmap. The TEP will include patient representatives who have lived experience with chronic pain and functional limitations, two condition areas that have a significant number of existing, validated PROMs.

EHR-Sourced Measures

NQF has identified the ability of EHR systems to connect and exchange data as an important aspect of quality healthcare. However, electronic clinical quality measures (eCQMs) and EHR data are not enough to enable automated quality measurement. Currently, NQF has endorsed nearly 540 healthcare performance measures with only 34 of these being eCQMs. Although the number of endorsed eCQMs is low, several measures in NQF's portfolio are quality measures that rely on data that come from an EHR, which NQF refers to as EHR-sourced measures. As evolving technologies emerge, there will be a greater need to promote the transformation of these EHR-sourced measures to digital health and support the adoption of digital quality measures, or dQMs.

However, to better understand the potential of improving quality measurement with the use of EHR data for clinical quality measures, or CQMs, it is important to examine the current state of EHR data quality. To that end, CMS funded a new initiative that focuses on the need to coordinate care using EHR-sourced quality measurement.

Leveraging Electronic Health Record (EHR)-Sourced Measures to Improve Care Communication and Coordination

Measuring care communication and coordination has been challenging because of the array of approaches and interventions; difficulties in measuring specific activities and in generalizing program success; and linking approaches to improved outcomes. This need for increased care communication and coordination has been underscored by the challenges of social distancing and the number of patients seeking telehealth services due to COVID-19. Care coordination is an effective tool to streamline communication between each clinician, patient, and caregiver throughout the continuum of care. In coordinated care, healthcare teams should strive to understand and implement a cohesive care

plan in which goals do not change as the patient moves from setting to setting (Williams, 2020) so that they do not experience duplicative testing and treatments that increase patient risks.

EHRs are primarily designed to support patient care and billing, but they also contain tools and specific design features that aid in capturing data for secondary uses, such as care coordination. EHRs have the potential to improve care coordination and how it is measured during the challenges of a pandemic.

In 2020, NQF continued the implementation of an 18-month project (initiated in 2019) to identify the causes, nature, and extent of EHR data quality issues, particularly as they relate to measure development, endorsement, and implementation. This newly funded project will identify best practices to leverage EHR-sourced measures to improve care communication and coordination quality measurement in an all-payer, cross-setting, and fully electronic manner.

IV. Quality and Efficiency Measurement Initiatives (Performance Measurement)

Section 1890(b)(2) and (3) of the Act requires the consensus-based entity (CBE) to endorse standardized healthcare performance measures. The endorsement process must consider whether measures are evidence-based; reliable; valid; verifiable; relevant to enhanced health outcomes; actionable at the caregiver level; feasible for collecting and reporting, responsive to variations in patient characteristics, such as health status, language capabilities, race or ethnicity, and income level; and consistent across types of healthcare providers, including hospitals and physicians. In addition, the CBE must establish and implement a process to ensure that measures endorsed are updated (or retired if obsolete) as new evidence is developed. The CBE is required to describe these duties in this report pursuant to section 1890(b)(5)(A)(i)(III) of the Act.

Cross-Cutting Projects to Improve the Measurement Process

Performance measures rely on evidence-based research and scientific methodology to ensure highly reliable and valid outcomes that represent and influence patient care. To that end, with funding from HHS, NQF undertook new work to expand the science of quality measurement.

Risk Adjustment

The quality measurement enterprise seeks to link payment to quality of care, generally known as value-based purchasing (VBP). For VBP to be successful, patients need accurate and reliable information on provider performance to make informed decisions. In addition, providers need comprehensive, reliable, and timely information to make quality care decisions that result in improved outcomes for patients while being held accountable for those outcomes in a fair and comparable manner. To level the playing field, risk adjustment methods have been applied to many measures, but not all, and not in a standardized method across measures. As part of NQF's COVID-19 response, assessing risk factors continues to be of high importance when considering social risk adjustment.

Risk-adjusting measures to account for differences in patient health status and clinical factors (e.g., comorbidities, severity of illness) that are present at the start of care have been widely accepted and implemented (Blum Alexander B. et al., 2014; Franks & Fiscella, 2002). However, the increased use of outcome and resource use measures in payment models and public reporting programs has raised concerns regarding the adequacy and fairness of the risk adjustment methodologies used in these measures, especially as it relates to functional status and social risk factors, such as income, education, social support, neighborhood deprivation, and rurality (Bernheim et al., 2016; Chatterjee & Werner,

2019). Functional risk factors are important to examine since they may mediate the relationship between social risk, quality outcomes, and resource use. Measure developers have long expressed a need for technical guidance on developing and testing social and/or clinical risk adjustment models for endorsement and maintenance and the appropriateness of a standardized risk adjustment framework (National Quality Forum, 2017). Moreover, risk adjustment of functional status-related factors within quality measurement is under-explored and underutilized for comparing provider performance between health outcomes and resource use.

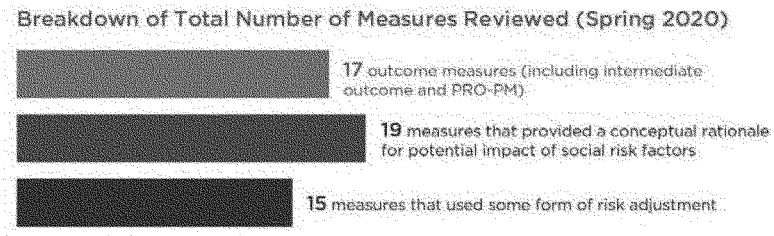
For this effort, NQF will build upon several years of work on developing guidance for risk adjustment model development, including NQF's Disparities Project and the Social Risk Trial. In late 2020, NQF assembled a TEP to work toward consensus decisions that yielded a scholarly environmental scan report regarding the current state of data sources used for risk adjustment, functional or social risk factors available for testing, and approaches to conceptual and statistical methods for risk adjustment. In 2021, the TEP will use the results of the scan to develop technical guidance for measure developers that includes emerging good and best practices on when and how to adjust for functional and social risk factors in measure development.

Social Risk Trial

In 2014, NQF published a report recommending that performance measures should account for factors outside the provider's control, such as a patient's age, gender, comorbid conditions, and other social determinants of health. Often, healthcare outcomes are not solely the results of the quality of care received but can be influenced by social risk factors. Beginning in 2015, NQF implemented the first Social Risk Trial, a two-year effort between 2015 and 2017. During this period, NQF relaxed the policy against social risk adjustment in reviewing outcome measures submitted for endorsement or re-endorsement. Soon after the trial, NQF released a final report in August 2017, reaffirming the recommendation in their 2014 report that performance measures should be risk-adjusted for social risk factors when conceptual reasons and empirical evidence demonstrate it is appropriate . Also, stakeholders called for continuous efforts to examine some of the technical issues that remained inconclusive at the end of the first trial. In response to stakeholders' concerns, HHS has funded NQF to implement the second Social Risk Trial, a three-year effort that began in May 2018 and will conclude in May 2021.

As part of this funded work, NQF has continued working with the Disparities Standing Committee and the work of the Social Risk Trial, building upon the lessons of the initial NQF-funded initiative. In 2020, the Disparities Committee met during two virtual meetings to review the risk-adjusted measures for the spring 2020 cycle submissions, review the risk models in use, and interpret results. The graphic below (Figure 1) provides a breakdown of the total measures reviewed, including the number of outcome measures, those measures with a conceptual rationale for inclusion of social risk, and a final number of measures that used some form of risk adjustment.

Figure 1. Breakdown of Total Number of Measures Reviewed



The conceptual rationale to support the potential impact of social risk factors was established through literature reviews, internal data analysis, or expert group consensus. Some of the social risk factors that have been considered include race/ethnicity, payer, Agency for Healthcare Research and Quality (AHRQ) Socioeconomic Status (SES) Index, education, employment status, zip code, rural/urban, relationship status, income, and language. Reasons cited for not adjusting included negligible impact of SES adjustment, potential to mask poor performance and disparities in care, and relatively constant distribution of patients with risk factors.

Since 2017, there have been 317 measures submitted; 125 of those used some form of risk adjustment, and 120 measures had a conceptual model outlining the impact of social risk. Most of the measures submitted were process measures (45 percent), and the overall portfolio of measures included other measure types, such as composite measures, efficiency, intermediate outcome, outcome, PRO-PM, resource use, and structure measures.

The Disparities Standing Committee also began to identify clear recommendations for risk adjustment of social factors for quality measurement. The final report for this project will explore the impact of social risk factors on the results of measures and the appropriateness of including social risk factors in the risk adjustment models of measures submitted for endorsement review, if there is a conceptual basis and empirical evidence to support doing so. In addition, this report is expected to advance the science of risk adjustment and provide expert guidance to address the challenges and opportunities related to including social risk factors in risk adjustment models. The final report for this project will be completed in July 2021.

Current State of the NQF Measure Portfolio

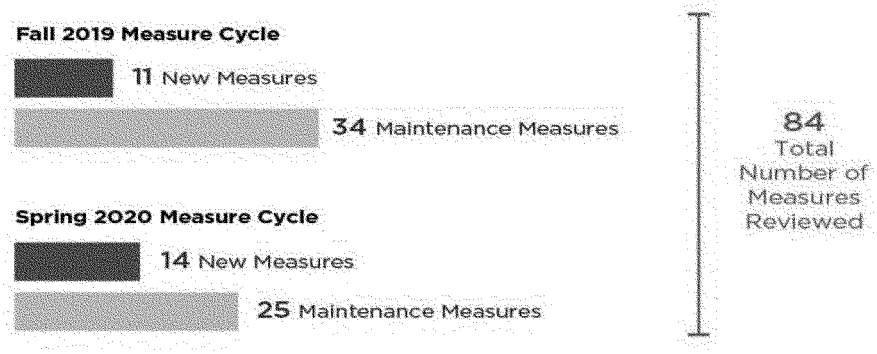
NQF encourages measure developers to submit measures that can drive meaningful improvements in care and fill known measure gaps that align with healthcare improvement priorities. NQF brings together multistakeholder Committees to evaluate measures for endorsement twice a year, with submission opportunities in the spring and fall of each year. This frequent review process allows measure developers to receive a timely review of their measures, in addition to reducing Committee downtime between review cycles.

NQF's endorsed measure portfolio undergoes an evaluation for maintenance of endorsement approximately every three years. The maintenance process ensures that NQF-endorsed measures represent current clinical evidence, continue to have a meaningful opportunity to improve, and have been implemented without negative, unintended consequences. In a maintenance review, NQF

Committees review previously endorsed measures to determine if they still meet NQF criteria for endorsement. This maintenance review may result in removing endorsement for measures that no longer meet rigorous criteria, facilitating measure harmonization among competing or similar measures, or retiring measures that no longer provide significant opportunities for improvement.

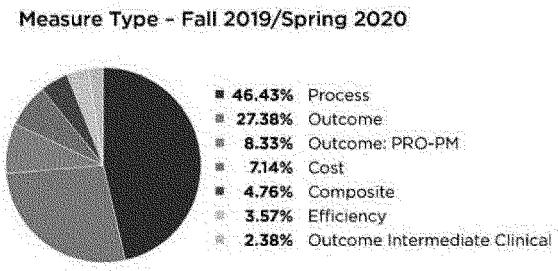
This year, NQF reviewed 84 measures, both new and maintenance measures, across a variety of clinical and cross-cutting topic areas (see Figure 2).

Figure 2. Number of Measures Reviewed in the Fall 2019 and Spring 2020 Cycles



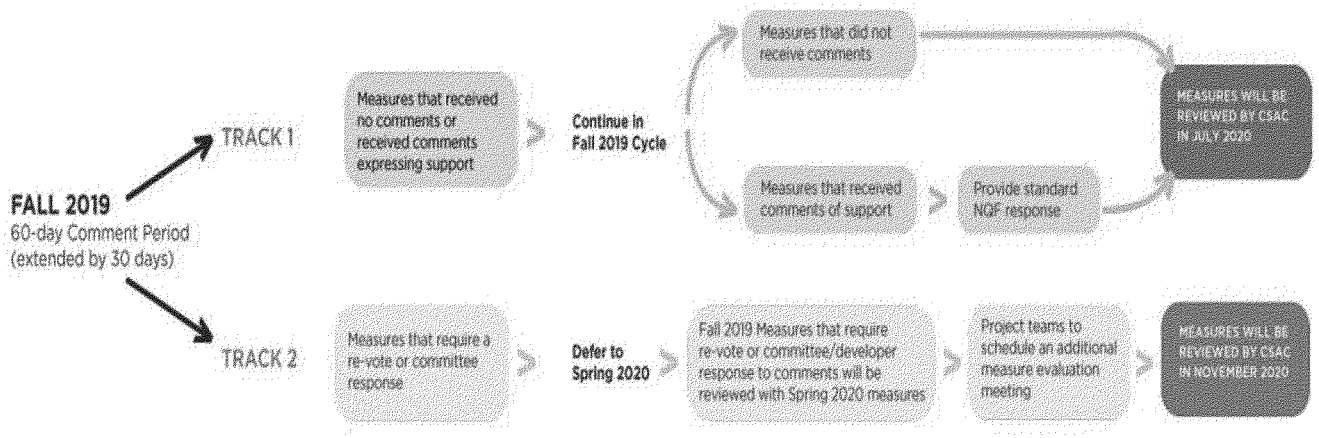
The data highlights a decline in submitted measures compared to previous years (in 2019, there were 127 submitted measures) due in part to circumstances surrounding the COVID-19 global pandemic. However, the measurement community continues to voice the importance of the endorsement process. Among those submitted, 38 percent were outcome measures (Figure 3). Additionally, NQF did see a slight uptake in eCQMs, receiving seven measures during the two cycles (in 2019, there were only five).

Figure 3. Measure Types Reviewed During the Fall 2019 and Spring 2020 Cycles



In response to the pandemic, NQF extended commenting periods for all measures evaluated in the fall 2019 cycle from 30 days to 60 days. Based on the comments received during this 60-day extended commenting period, measures entered one of two timeline tracks:

Figure 4. Measure Review Timeline Track



NQF's multistakeholder Committees, composed of stakeholders from across the healthcare landscape (e.g., consumers, providers, patients, payers, and other experts), review both previously endorsed and new measures submitted using NQF's measure evaluation criteria. All measures submitted for NQF endorsement are evaluated against the following criteria:

- Importance to Measure and Report
- Reliability and Validity—Scientific Acceptability of Measure Properties
- Feasibility
- Usability and Use
- Comparison to Related or Competing Measures

Measure Endorsement and Maintenance Accomplishments

NQF's measure portfolio includes measures from 14 clinical and cross-cutting topic areas. The following paragraph highlights its importance and the outputs from the endorsement process during the spring and fall cycles.

All-Cause Admissions and Readmissions

Unplanned returns to the hospital, including visits to the ED, are costly, common, and potentially avoidable (Auerbach et al., 2016; Collins et al., 2014). Studies have shown that patients discharged from the hospital have an increased risk for being readmitted, and approximately a third of these readmissions are preventable (van Walraven et al., 2011). The Agency for Healthcare Research and Quality (AHRQ) found that roughly 3.3 million US readmissions in 2011 occurred within 30 days of discharge and contributed to a total cost of $41.3 billion across all payers (Hines et al., 2014). Furthermore, studies have shown that patients discharged from an inpatient hospitalization are at an increased risk of an ED encounter (Hastings et al., 2008). From 2006-2016, the annual number of ED visits in the US increased by nearly 25 percent, representing an opportunity to improve care transitions that avoid an unnecessary escalation of a patient's condition (Rui et al., 2016).

The review and evaluation of admissions and readmissions measures continue to be a priority, specifically the endorsement of hospital-wide and condition-specific measures (e.g., renal, cardiovascular, and surgery) for various care settings, including hospitals, home health, skilled nursing facilities, long-term care facilities, inpatient rehab facilities, inpatient psychiatric facilities, and hospital outpatient/ambulatory surgery centers. Currently, there are 34 NQF-endorsed measures in the All-Cause Admissions and Readmissions portfolio, many of which are part of several federal quality improvement programs.

The All-Cause Admissions and Readmissions Standing Committee evaluated one new measure against NQF's measure evaluation criteria during the fall 2019 cycle. This measure was initially submitted for review during the spring 2019 cycle. However, due to concerns with Committee quorum and a lack of clarity on measure testing information presented during the spring 2019 post-comment call, this measure was deferred to the fall 2019 cycle. The measure was ultimately endorsed.

In the spring 2020 cycle, the Standing Committee evaluated two newly submitted measures and three measures undergoing maintenance review against NQF's measure evaluation criteria. Four measures were endorsed while one measure did not meet the criteria for endorsement. This was due to concerns around validity and the adequacy of the correlations of the measure score to other renal-focused quality measures.

Nine measures, seven maintenance and two new, were reviewed during the fall 2020 cycle. The final endorsement decisions will be finalized in 2021.

Behavioral Health and Substance Use

Behavioral health is composed of not only mental health, but also substance use disorders (SUDs) and represents a key construct of healthcare across the globe, unified by brain-based etiology and behavioral symptomology. A comprehensive annual report of behavioral health prevalence data is found in the Substance Abuse and Mental Health Services Administration's (SAMHSA) National Survey on Drug Use and Health (NSDUH). Results from the 2018 NSDUH indicated that 19.3 million Americans age 18 years or older suffered from an apparent SUD (not including tobacco dependence), and 47.6 million Americans age 18 years or older suffered from a mental illness. This rate is consistent with other epidemiologic studies that have previously revealed the prevalence of behavioral health conditions in the US (Kamal, 2017). The 2018 NSDUH further discusses an important concern about US behavioral healthcare: Only 10.2 percent of persons age 12 years and older with SUDs reported receiving treatment during that year and only 43.3 percent of persons age 18 years and older with any mental illness reported receiving care for that condition (Bose et al., 2017). These gaps in behavioral health pathology and treatment represent unmet needs among those with behavioral health conditions.

The review and evaluation of behavioral health measures have long been a priority of NQF with endorsement for mental health and SUD measures going back more than a decade. At present, there are 42 NQF-endorsed behavioral health measures.

During the fall 2019 cycle, the Behavioral Health and Substance Use (BHSU) Committee evaluated seven measures for endorsement. The cycle included the evaluation of measures, including the use of physical restraint and seclusion, follow-up after ED visits for two newly submitted measures, and five measures undergoing maintenance review against NQF's standard evaluation criteria. Five measures were endorsed while one measure did not meet the criteria for endorsement. This was due to evidence concerns. Additionally, one measure was withdrawn from consideration by the measure developer. During the spring 2020 cycle, the BHSU Committee evaluated one newly submitted measure and two measures that underwent maintenance review against NQF's evaluation criteria. One measure received endorsement while the other two measures did not meet the criteria due to insufficient evidence supporting one measure and validity concerns associated with exclusion criteria for the other.

Four measures, two maintenance and two new, were reviewed during the fall 2020 cycle. The final endorsement decisions will be finalized in 2021.

Cancer

Cancer is the second most common cause of death in the US, exceeded only by heart disease (Howlader et al., 2020). The National Cancer Institute (NCI) estimates that in 2020, 1.8 million new cases of cancer would be diagnosed in the US and over 600,000 people will die from the disease (Mariotto et al., 2011). Furthermore, nearly 40 percent of all men and women in the US will develop cancer during their lifetime (American Cancer Society, 2020). In addition, diagnosis and treatment of cancer has great economic impact on patients, their families, and the US healthcare system. For 2020, NCI estimates that the costs for cancer care totaled could reach $174 billion (Mariotto et al., 2011).

The Cancer portfolio contains 18 NQF-endorsed measures that span various types of cancers (e.g., breast cancer, colon cancer, and prostate cancer). The Cancer portfolio also includes measures that focus on pain management, appropriate treatment, and diagnostic imaging.

During the fall 2019 cycle, the Cancer Standing Committee evaluated eight measures undergoing maintenance review against NQF's measure evaluation criteria. All eight measures received endorsement. For the spring 2020 cycle, the Cancer Committee evaluated one measure undergoing maintenance review, which did not meet the criteria for endorsement.

No measures were submitted to the Cancer Standing Committee for the fall 2020 cycle.

Cardiovascular

Cardiovascular disease (CVD), which comprises coronary artery disease (CAD), heart failure (HF), stroke, and hypertension, is a significant burden in the US, leading to approximately one in four deaths per year and affecting 48 percent of adults age 20 years and older (Benjamin et al., 2019; Heron, 2016). Considering the effect of CVD, measures that assess clinical care performance and patient outcomes are critical to reducing its negative impact. Heart disease is the leading cause of death in the US and stroke is the fifth leading cause (Heron, 2017).

The Cardiovascular portfolio contains 41 NQF-endorsed measures, including measures for acute myocardial infarction (AMI), cardiac catheterization/percutaneous coronary intervention (PCI), CAD/ischemic vascular disease (IVD), HF, hyperlipidemia, and hypertension.

During the fall 2019 cycle, the Cardiovascular Standing Committee evaluated one newly submitted measure and six measures undergoing maintenance review against NQF's measure evaluation criteria. Four measures were endorsed while three measures did not meet the criteria for endorsement. These three measures did not pass the *Performance Gap* criterion due to a lack of performance data. For the spring 2020 cycle, four measures undergoing maintenance review received endorsement.

Two maintenance measures were reviewed during the fall 2020 cycle. The final endorsement decisions will be finalized in 2021.

Cost and Efficiency

In 2018, healthcare spending in the US reached $3.6 trillion, or approximately $11,172 per person (Medicare Payment Advisory Commission, 2020). This level of spending accounted for 17.7 percent of gross domestic product (GDP). Forecasts from 2018 to 2027 estimate that healthcare spending will outpace GDP growth by 0.8 percent. This increase will raise the health share of GDP from 17.9 percent in 2017 to 19.4 percent by 2027 (Medicare Payment Advisory Commission, 2020). Spending on the overall Medicare program is growing rapidly as well—from 15 percent of federal spending in 2018 to an expected 17 percent by 2027 (Medicare Payment Advisory Commission, 2020). Improving health system efficiency has the potential to simultaneously reduce the rate of cost growth and improve the quality of care provided. Cost measures are the building blocks to efficiency and value. It is important to note that cost and resource use measures should be used in the context of and reported with quality measures.

The Cost and Efficiency measure portfolio contains 10 measures of cost and/or resource use that are both condition-specific (e.g., payments associated with 30-day episodes of care for pneumonia) and non-condition specific (e.g., Medicare Spending Per Beneficiary).

During the fall 2019 cycle, there were no measures submitted for evaluation. Rather, the Cost and Efficiency Standing Committee held a topical webinar to examine validity testing with respect to cost measurement. For the spring 2020 cycle, the Committee evaluated six new measures. Three measures received endorsement while the other three did not meet the criteria for endorsement.

One maintenance measure was reviewed during the fall 2020 cycle. The final endorsement decision will be finalized in 2021.

Geriatrics and Palliative Care

Improving the quality of both palliative and end-of-life care, and geriatric care more generally, is becoming increasingly important due to factors that have intensified the need for individualized, person-centered care. Some of these factors include the aging US population; the projected increases in the number of Americans with chronic illnesses, disabilities, and functional limitations; and increases in ethnic and cultural diversity (Institute of Medicine, 2014). In 2018, the population age of 65 years and older numbered 52.4 million individuals (16 percent of the US population), and this figure is expected to increase to 94.7 million by 2060 (The Administration for Community Living, 2020). Forty-six percent of the noninstitutionalized US population age 65 years or older has two or three chronic conditions, and 15 percent has four or more. Additionally, 46 percent of those who are 75 years of age and older report limitations in physical functioning (The Administration for Community Living, 2020; Ward & Schiller, 2013).

NQF's current portfolio includes 36 endorsed measures addressing experience with care, care planning, pain management, dyspnea management, care preferences, and quality of care at the end of life.

During the fall 2019 cycle, the Geriatric and Palliative Care Standing Committee evaluated two measures undergoing maintenance review against NQF's measure evaluation criteria. One measure was endorsed, while the other did not meet the measure evaluation criteria. The Committee did not evaluate any measures during the spring 2020 cycle.

Four measures, all undergoing maintenance, were reviewed during the fall 2020 cycle. The final endorsement decisions will be finalized in 2021.

Neurology

Neurological conditions and injuries affect millions of Americans each year and take a significant toll on patients, families, and caregivers. Additionally, billions of dollars are spent on treatment, rehabilitation, and lost or reduced earnings (Centers for Disease Control and Prevention, 2020b). Stroke, a leading cause of neurological injury, is the fifth leading cause of death and disability in the US and is ranked as the second-leading cause of death worldwide (Centers for Disease Control and Prevention, 2020b). Stroke remains a persistent public health concern and continues to present considerable sociodemographic and economic implications nationally. Alzheimer's disease is the most common form of dementia, with an estimated five million Americans living with the disease. An estimated 14 million people will have Alzheimer's by 2050.

NQF's current Neurology portfolio includes 12 endorsed measures on the diagnosis and treatment of stroke and subarachnoid hemorrhage, as well as carotid artery stenosis management.

During the fall 2019 cycle, the Neurology Standing Committee reviewed two maintenance measures and recommended both measures for continued endorsement. The Committee did not review any measures in the spring 2020 cycle. Therefore, NQF held a spring 2020 topical webinar to provide an update on the state of the current neurology portfolio.

One new measure was reviewed during the fall 2020 cycle. The final endorsement decision will be finalized in 2021.

Patient Experience and Function

The implementation of patient-centered measures is one of the most important approaches to ensure that healthcare in the US reflects the goals, preferences, and values of care recipients. Patient- and family-engaged care is planned, delivered, managed, and continually improved in active partnership with patients and their families (or care partners as defined by the patient). As such, effective engaged care must adapt readily to individual and family circumstances, as well as differing cultures, languages, disabilities, health literacy levels, and socioeconomic backgrounds (Agency for Healthcare Research and Quality, 2018; Frampton et al., 2017). The coordination of care is an essential component to the improvement of patient experiences and outcomes. Poorly coordinated and fragmented care not only compromises the quality of care patients receive, but may also lead to negative unintended consequences, including medication errors and preventable hospital admissions (Schultz et al., 2013). For patients living with multiple chronic conditions, including more than two-thirds of Medicare beneficiaries, poor care transitions between different providers can contribute to poor outcomes and hospitalizations (Centers for Medicare & Medicaid Services, 2019a).

The NQF Patient Experience and Function (PEF) Committee was established to evaluate measures within this topic area for NQF endorsement. NQF has endorsed over 50 measures addressing patient experience of care, patient functional status, mobility and self-care, shared decision making, patient activation, and care coordination.

For the fall 2019 cycle, the PEF Committee reviewed two maintenance measures. The Committee recommended one measure for continued endorsement and did not recommend the second measure due to concerns related to data element level reliability. During the spring 2020 cycle, the Committee evaluated one newly submitted measure and three measures undergoing maintenance review against NQF's measure evaluation criteria. All four measures received endorsement.

Two new measures were reviewed during the fall 2020 cycle. The final endorsement decisions will be finalized in 2021.

Patient Safety

The Institute of Medicine (IOM) report, *To Err Is Human: Building a Safer Health System*, published in 2000, created a movement by individuals and institutions to closely examine the avoidable harms in healthcare (Institute of Medicine (US) Committee on Quality of Health Care in America, 2000). These included hospital-based medical errors, adverse drug events, injuries from surgery, falls, pressure ulcers, and other causes of preventable morbidity and mortality. Despite 20 years of progress since the publication of that report, medical errors and other patient safety events remain common across all settings of care. There has been demonstrated improvement in specific areas, including the reduction of hospital-acquired infections. However, the scale of improvements in patient safety has been limited. Many interventions to improve patient safety have been effective, but many others have proven ineffective, and the effectiveness of many interventions is unclear. Nevertheless, the US healthcare system is not a high-reliability system. Today, patients commonly experience potentially preventable harm, and it is estimated that medical errors are the third leading cause of deaths in the US, accounting for more than 250,000 deaths per year (Makary & Daniel, 2016).

The NQF portfolio of safety measures contains 60 measures, spanning a variety of topical areas and includes outcomes as well as important, measurable processes in healthcare that are associated with patient safety. Public accountability and quality improvement programs use many measures from the

NQF portfolio. Over more than a decade, NQF's portfolio has expanded to address current and evolving public health issues, such as the opioid crisis. As EHRs have become increasingly prevalent in healthcare, it is important to develop measures that monitor and improve safety events that may be caused by the technology itself.

For the fall 2019 cycle, the Patient Safety Standing Committee evaluated one newly submitted measure and three measures undergoing maintenance review against NQF's standard evaluation criteria. The Committee recommended all four measures for endorsement. For the spring 2020 cycle, the Patient Safety Standing Committee evaluated one newly submitted measure and one measure undergoing maintenance review. Both measures received endorsement.

Eight maintenance measures were reviewed during the fall 2020 cycle. The final endorsement decisions will be finalized in 2021.

Perinatal and Women's Health

Access to high quality care for women of reproductive age before and between pregnancies—including pregnancy planning, contraception, and preconception care—can significantly reduce the risk of pregnancy-related complications, such as maternal and infant mortality, and improve the overall health of women and children. Access is vitally important as the maternal mortality rate for Black women in 2018 was more than double that of White women and three times the rate for Hispanic women (Hoyert & Miniño, 2020). Black patients also experience significantly more severe maternal morbidities than White patients (Howell et al., 2016).

The Perinatal and Women's Health portfolio includes 18 endorsed measures on contraceptive care, reproductive health, pregnancy, labor and delivery, postpartum care for newborns, and childbirth-related issues for women.

During the fall 2019 cycle, the Perinatal and Women's Health Standing Committee reviewed one measure for endorsement, which focused on contraceptive care. This measure received endorsement. For the spring 2020 cycle, the Committee evaluated six measures related to care delivered immediately before and after birth, including labor and delivery care, practices to promote positive health outcomes for mothers and infants, and unexpected negative infant health outcomes. All six measures received endorsement.

One maintenance measure was reviewed during the fall 2020 cycle. The final endorsement decision will be finalized in 2021.

Prevention and Population Health

Traditionally, medical care has been the primary focus of efforts to improve the health and well-being of individuals and populations. As a result, nearly all national health expenditures have been attributed to healthcare services. Yet, medical care has a relatively small influence on health outcomes when compared to interventions that address smoking, lower educational attainment, poverty, poor diet, and physical environmental hazards (e.g., unsafe housing and polluted air) (Eggleston & Finkelstein, 2014). There is growing recognition of the role of social determinants of health (SDOH) in influencing health outcomes. Maintaining and improving the health and well-being of individuals and populations will require a multidisciplinary, multifactorial approach to address SDOH (Office of Disease Prevention and Health Promotion, 2020). Performance measures are needed to assess improvements in population health, as well as the extent to which healthcare stakeholders are using evidence-based strategies (e.g.,

prevention programs, screening, and assessments for community needs). To support this effort, NQF endorses and maintains performance measures related to prevention and population health through a multistakeholder Consensus Development Process (CDP).

The NQF Prevention and Population Health's portfolio of measures includes measures for health-related behaviors to promote healthy living; community-level indicators of health and disease; social, economic, and environmental determinants of health; primary prevention and/or screening; and oral health.

During the fall 2019 cycle, the Committee reviewed one maintenance measure and two new composite measures for endorsement. One measure was endorsed while the other measure did not meet the must-pass criteria of the *Quality Construct of Composite*. For the spring 2020 cycle, the Committee reviewed two measures for maintenance of endorsement. One measure was endorsed; however, the second measure did not pass on validity, a must-pass criterion.

One new composite measure was reviewed during the fall 2020 cycle. The final endorsement decision will be finalized in 2021.

Primary Care and Chronic Illness

Primary care providers serve as the most common healthcare contact point for many people within the US. As such, primary care has a central role in improving the health of people and populations. Primary care practitioners work with each patient to manage the health of that individual. In the primary care setting, the diagnosis and treatment of the patient focus on the health of the entire patient and not a single disease. Chronic illnesses are long-lasting, or persistent health conditions or diseases that patients and providers must manage on an ongoing basis. The incidence, impact, and cost of chronic disease is increasing in the US. For example, more than 30 million Americans (9.4 percent) are living with diabetes, and in 2017, the US spent $237 billion on diabetes care, making it one of the most expensive health conditions (Centers for Disease Control and Prevention, 2017). In addition, studies have estimated the yearly costs for glaucoma, rheumatoid arthritis, and hepatitis C at $5.8 billion, $19.3 billion, and $6.5 billion, respectively (Birnbaum et al., 2010).

The review and evaluation of measures affecting primary care and dealing with chronic illness have long been a priority of NQF, with endorsement for such measures going back to its inception. At present, there are 48 NQF-endorsed Primary Care and Chronic Illness (PCCI) measures. The PCCI Committee oversees the measurement portfolio used to advance accountability and quality in the delivery of primary care services.

During the fall 2019 cycle, the PCCI Committee reviewed six maintenance measures for continued NQF endorsement. All six measures retained endorsement. During the spring 2020 cycle, the Committee reviewed three new measures against NQF's measure evaluation criteria. All three measures did not meet validity, a must-pass criterion. This was due to concerns of a lack of upper age limits for one measure, feasibility concerns related to a lack of options for primary care providers to meet one measure's numerator, and concerns related to the evidence base to support another measure.

Seven measures, three maintenance and four new measures, were reviewed during the fall 2020 cycle. The final endorsement decisions will be finalized in 2021.

Renal

Renal disease is a leading cause of morbidity and mortality in the US. More than 36 million adults (14 percent of the adult population) have chronic kidney disease (CKD) (McCullough et al., 2019). Left

untreated, CKD can progress to an advanced state of kidney dysfunction known as end-stage renal disease (ESRD) and a host of other health complications, such as CVD, hyperlipidemia, anemia, and metabolic bone disease. Currently, over half a million people in the US have received a diagnosis of ESRD (Saran et al., 2019). Considering the high mortality rates and high healthcare utilization and costs associated with ESRD, the need to focus on quality measures for patients with renal disease is of the highest importance. Quality measurement plays a central role in facilitating improvement in the quality of care received by CKD patients, especially those on hemodialysis (HD). NQF-endorsed kidney care measures are used in several quality and performance improvement programs administered by CMS, such as Dialysis Facility Compare and the ESRD Quality Incentive Program (ESRD QIP).

The NQF Renal Committee seeks to identify and endorse performance measures for accountability and quality improvement that address conditions, treatments, interventions, or procedures relating to kidney disease. The Committee's portfolio of 21 measures consists of metrics focused on hemodialysis access, monitoring, and outcomes, as well as various kidney-related treatments and safety considerations.

During the fall 2019 cycle, the Renal Committee evaluated one maintenance measure for continued NQF endorsement. This measure retained its endorsement status. For the spring 2020 cycle, the Standing Committee evaluated three measures undergoing maintenance review against NQF's standard evaluation criteria. Two measures were endorsed, while one measure did not receive endorsement due to insufficient evidence to support the measure focus.

Two measures, one new and one maintenance, were reviewed during the fall 2020 cycle. The final endorsement decisions will be finalized in 2021.

Surgery

In 2014, there were 17.2 million hospital visits that included at least one surgery. Of these surgeries, over half of them occurred in a hospital-owned ambulatory surgical center (Steiner et al., 2020). Quality measurement in surgery is essential to improve outcomes for the millions of individuals undergoing surgery and surgical procedures each year. The Surgery measure portfolio includes 66 measures that address surgical care, including perioperative safety, general surgery, and a range of specialty surgeries.

During the fall 2019 cycle, the Surgery Committee evaluated one measure undergoing maintenance review against NQF's measure evaluation criteria. This measure was endorsed. For the spring 2020 cycle, the Committee evaluated one measure undergoing maintenance review. This measure retained its endorsement status.

Eight measures, all undergoing maintenance, were reviewed during the fall 2020 cycle. The final endorsement decisions will be finalized in 2021.

V. Stakeholder Recommendations on Quality and Efficiency Measures and National Priorities

Section 1890(b)(7)(A)(i) of the Act requires the CBE to convene multistakeholder groups to provide input on the selection of certain quality and efficiency measures from among: (i) such measures that have been endorsed by the CBE; and (ii) such measures that have not been considered for endorsement by the CBE but are used or proposed to be used by the Secretary for the collection or reporting of quality and

efficiency measures. Additionally, CBE must convene multistakeholder groups to provide input on national priorities for improvement in population health and in delivery of health care services for consideration under the National Quality Strategy. The CBE is required to describe these duties in this report pursuant to section 1890(b)(5)(A)(i)(VI) of the Act.

Measure Applications Partnership

Under section 1890A(a) of the Act, HHS is required to establish a pre-rulemaking process under which the CBE would convene multistakeholder groups to provide input to the Secretary on the selection of quality and efficiency measures for use in certain federal programs. The list of quality and efficiency measures HHS is considering for selection is to be publicly published no later than December 1 of each year. No later than February 1 of each year, the CBE is to report the input of the multistakeholder groups, which will be considered by HHS in the selection of quality and efficiency measures.

Since its inception in 2011, NQF has convened the Measure Applications Partnership (MAP) to provide guidance on the use of performance measures in federal healthcare quality programs. These recommendations are made by MAP through its pre-rulemaking process, which enables a multistakeholder dialogue to assess measurement priorities for these programs. MAP includes representation from both the public and private sectors and includes patients, clinicians, providers, purchasers, and payers. MAP reviews measures that CMS is considering for implementation and provides guidance on their acceptability and value to stakeholders.

MAP is composed of three setting-specific workgroups (Hospital, Clinician, and Post-Acute/Long-Term Care), one population-specific workgroup (Rural Health), and a Coordinating Committee that provides strategic guidance and oversight to the workgroups and recommendations. MAP membership is representative of users of performance measures and over 135 healthcare leaders from 90 organizations. MAP conducts its pre-rulemaking work in an open and transparent process; as the list of Measures Under Consideration (MUCs) is posted publicly, MAP deliberations are open to the public, and the process allows for the submission of both oral and written public comments to inform MAP considerations.

MAP's aim is to provide input to CMS that ensures the measures used in federal programs are meaningful to all stakeholders. MAP focuses on recommending measures that empower patients to be active healthcare consumers and supports their decision making; are not overly burdensome on providers; and can support the transition to a system that pays for value of care. MAP strives to recommend measures that will enhance quality for all Americans while ensuring that the transition to value-based payment (VBP) and alternative payment models (APMs) brings better care and access while reducing costs for all.

MAP 2019-2020 Pre-Rulemaking Recommendations

MAP published the results of its 2019-2020 pre-rulemaking deliberations in a series of reports delivered in February and March 2020. MAP made recommendations on 18 measures under consideration for nine CMS quality reporting and VBP programs covering ambulatory, acute, and post-acute/long-term care settings. A summary of this work is provided below. In addition, MAP began its 2020-2021 pre-rulemaking efforts in December 2020 to provide input on 20 measures under consideration for eight CMS programs. Final recommendations along with a detailed report are expected in February 2021.

MAP's pre-rulemaking recommendations reflect its Measure Selection Criteria and how well MAP believes a measure under consideration (MUC) fits the needs of the specified program. The MAP Measure Selection Criteria are designed to demonstrate the characteristics of an ideal set of performance measures. MAP underscores the need for evidence-based, scientifically sound measures while minimizing the burden of measurement by fostering alignment and ensuring measures are feasible. Moreover, MAP promotes alignment across the public and private sectors, person-centered measurement, and the reduction of healthcare disparities.

MAP Rural Health Workgroup

As recommended in the 2015 NQF report on Rural Health, NQF reconvened the MAP Rural Health Workgroup in the fall of 2019 to provide input into the CMS annual pre-rulemaking process. This workgroup consists of experts in rural health, frontline healthcare providers who serve in rural and frontier areas, including tribal areas and patients from these areas. The role of the workgroup is to provide rural perspectives on measure selection for CMS program use. This includes noting measures that are challenges for rural providers to collect data on or report about and any unintended consequences for rural providers and residents. The Rural Workgroup reviewed and discussed this year's MUCs for various CMS quality programs. NQF provided a written summary of the workgroup's feedback to the Hospital, Clinician, and PAC/LTC Workgroups to aid in their review of the measures. To provide additional input and represent the rural perspective, a liaison from the Rural Workgroup attended each of the setting-specific workgroup meetings. Several themes emerged that should be considered when assessing quality in the rural settings: a shortage of behavioral health specialists creating a challenge for ensuring timely follow-up for behavioral health appointments, difficulties in information exchange at some rural facilities due to a lack of integrated data systems, cost of eCQM reporting infrastructure, and reporting rules that are difficult for rural providers to meet. Additionally, the workgroup noted that there may be a lack of transportation options for patients in rural settings, so telehealth options for medical visits are especially pertinent for patients in this setting. Low case-volume continues to be a challenge for performance measurement in rural areas.

MAP Clinician Workgroup

The MAP Clinician Workgroup reviewed 10 MUCs from the 2019 list for three programs (listed below) addressing health plan, clinician, or accountable care organization (ACO) measurement, making the following recommendations organized by program.

Merit-Based Incentive Payment System (MIPS) - MIPS was established by section 101(c) of the Medicare Access and CHIP Reauthorization Act of 2015 (MACRA). MIPS is a pay-for-performance program for eligible clinicians and applies positive, neutral, and negative adjustments to Part B payments for covered professional services furnished by MIPS eligible clinicians based on performance in four categories: quality, cost, promoting interoperability, and improvement activities. MIPS is one of two tracks in the Quality Payment Program (QPP).

MAP reviewed four measures for MIPS and made the following recommendations:

- Support. MAP supported one measure for rulemaking related to total hip and total knee arthroplasty.
- Conditional Support. MAP conditionally supported two measures pending receipt of NQF endorsement. The two measures were related to all-cause hospital admissions and appropriate vascular access for hemodialysis.

- No Support With Potential for Mitigation. There was one measure considered that MAP did not support for rulemaking with potential for mitigation. This measure was associated with hospital admissions for patients with multiple chronic conditions.

Within the MIPS measure set, MAP identified several gaps, specifically in the areas of primary care, access, continuity, comprehension, and care coordination. MAP also suggested that CMS consider adding measures that determine whether a course of therapy is indeed the best for the patient to optimize reductions in cost and harm. MAP also emphasized measures of diagnostic accuracy and primary care PROMs.

Measures for MIPS on the 2019 MUC list were under consideration for potential implementation in the 2021 measure set, affecting the 2023 payment year and future years.

Medicare Shared Savings Program - Section 3022 of the Affordable Care Act (ACA) created the Medicare Shared Savings Program. The Shared Savings Program creates a voluntary opportunity for providers and suppliers to longitudinally manage the care and costs of Medicare beneficiaries under an ACO model. An ACO is responsible for the cost and quality of care for an assigned population of Medicare fee-for-service beneficiaries. The Shared Savings Program aims to promote accountability for a patient population, care coordination, and the use of high quality and efficient services. ACOs have multiple options for participation tracks within the Shared Savings Program, allowing for variation in organizational capability to assume risk.

In its 2019-2020 pre-rulemaking work, MAP considered one measure for the Shared Savings Program. MAP conditionally supported a measure related to hospital admissions for patients with multiple chronic conditions, pending NQF endorsement.

Medicare Part C and D Star Ratings - Each year, CMS publishes the Medicare Part C and D Star Ratings that measure the quality of the Medicare Advantage (MA) (or Part C plans) and Prescription Drug Plans (PDPs or Part D plans). These Star Ratings serve several purposes, including to provide comparative information to beneficiaries about the plans, to provide quality ratings used to determine eligibility of Part C plans for quality bonuses, and to provide a means to evaluate and oversee overall compliance with certain regulatory provisions. The Star Ratings also reflect the experiences of beneficiaries and assist beneficiaries in finding the best plan for them. The Star Ratings support CMS' efforts to put the patient first. As part of this effort, patients should be empowered to work with their healthcare providers to make healthcare decisions that are best for them. An important component of this effort is to provide Medicare beneficiaries and their family members with meaningful information about quality and cost to assist them in becoming informed and active healthcare consumers. In 2019, approximately 66 million Americans were enrolled in Medicare, with 34 percent of beneficiaries in a Part C plan. The Part C and D Star Rating Program consists of 48 quality and performance measures; MA-only contracts (without prescription drug coverage) are rated on up to 34 measures and stand-alone PDP contracts are rated on up to 14 measures. Each year, CMS conducts a comprehensive review of the measures that make up the Star Ratings by assessing the reliability of the data, clinical recommendations, and feedback received from stakeholders. Star Ratings are used for purposes, including public reporting on Medicare Plan Finder, health plan quality improvement, marketing, and enrollment, as well as for financial incentives. Per the ACA, CMS makes quality bonus payments (QBPs) to MA organizations that meet certain quality ratings measured using a five-star quality rating system. MA rebate levels for plans are tied to the contract's Star Rating. QBPs are not connected to the PDP program, only MA.

During this inaugural year of MAP's review of Part C and D measures under consideration, MAP discussed five measures with the following recommendations:

- Support. MAP supported two measures for rulemaking related to opioid prescribing practices.
- Conditional Support. MAP conditionally supported two measures pending receipt of NQF endorsement. The two measures were related to follow-up after ED care and care transitions.
- No Support. There was one measure considered that MAP did not support related to opioid prescribing practices.

Key Themes From the Clinician Workgroup Pre-Rulemaking Review Process – Two key overarching themes emerged from MAP's pre-rulemaking recommendations for measures in the MIPS, the Shared Savings Program and the Part C and D Star Ratings.

First, MAP emphasized the importance of shared accountability for performance measures of avoidable hospital admissions, readmissions, and ED use that are incorporated into public reporting and payment programs. Clinicians and health systems have the potential to implement care interventions that can offset disease progression and reduce high-cost, low-efficiency healthcare. Measures of patient outcomes require balancing the goals of shared accountability of clinicians and health systems, and appropriate attribution of outcomes that can be influenced by each entity. MAP expressed concern that many care coordination measures are process measures that assess steps along a patient episode of care but do not measure if all care is coordinated through a centralized and shared care plan for the patient. MAP also acknowledged that these measures may be appropriate in early stages of transition toward truly coordinated, holistic, and individualized care. MAP recognized that addressing social determinants is a critical element to effective care coordination for patient transitions. However, MAP also noted the challenges with addressing these social determinants through measurement. Patient outcomes may be influenced by a patient's health status and sociodemographic factors, in addition to healthcare services, treatments, and interventions. MAP acknowledged that data limitations and data collection burden may limit risk adjustment, but measures of accountability should monitor for any incorrect inferences about provider performance. Clinicians and health systems need information to understand differences in outcomes among patient cohorts to drive improvement, but MAP suggested caution on performance assessments involving social determinants.

Second, MAP discussed the need for appropriate measures to address the opioid crisis. MAP noted that the current phase of the opioid crisis is predominantly driven by an increased uptake of fentanyl-laced heroin, leading to increases in overdose and death. MAP acknowledged an important shared responsibility for individual providers, health systems, and health plans to address issues of pain management and function as well as to identify and address issues associated with opioid use disorder (OUD). MAP emphasized that the proper metrics need to be applied across the US healthcare system such that opioid overdose deaths continue to decline in a manner that is verifiable. Furthermore, the metrics applied must minimize undesirable consequences, such as needless suffering from pain, increases in other substance use disorders, or transitioning from prescription to illegal drugs because of being unable to obtain appropriate pain medication. This includes the need for increased, appropriate co-prescribing of Naloxone with opioids (for pain or for persons with OUD). Similarly, MAP called for better initial prescribing measures to balance appropriate use of opioids for pain management with associated risks. Additionally, MAP identified the need in federal quality and performance programs to include new measures that assess patient-centered analgesia treatment planning, including appropriate

tapering strategies to reasonably decrease or discontinue opioid treatment, measures of long-term recovery from OUD, and measures of physical and mental health comorbidities with OUD. These overarching themes emphasize the significance of care coordination and attribution as well as appropriate opioid measurement.

MAP Hospital Workgroup

The MAP Hospital Workgroup reviewed six MUCs from the 2019 list for four hospital and other setting-specific programs, making the following recommendations.

End-Stage Renal Disease (ESRD) Quality Improvement Program - The End-Stage Renal Disease Quality Incentive Program (ESRD QIP) is a VBP program established to promote the provision of high quality renal dialysis services by dialysis facilities. Payments to a dialysis facility under the ESRD Prospective Payment System (PPS) are reduced for a calendar year if the facility does not meet or exceed the minimum total performance score that applies to the program year. Payment reductions are made on a sliding scale depending on the facility's performance, with a maximum two percent reduction per year.

MAP reviewed a single measure for the program and offered conditional support pending NQF endorsement. The measure is related to transfusion ratios for patients on dialysis and calculates a risk-adjusted standardized transfusion ration (STrR) for each dialysis facility specified for all adult dialysis patients.

Inpatient Psychiatric Facility Quality Improvement Program - The Inpatient Psychiatric Facility Quality Reporting Program (IPFQR) is a pay-for-reporting program. The program's goal is to provide consumers with quality-of-care information to make informed decisions about healthcare options and to encourage hospitals and clinicians to improve the quality of inpatient psychiatric care by ensuring that providers are aware of and reporting on best practices.

MAP considered a single measure for potential inclusion in the IPFQR program related to follow-up after psychiatric discharge. MAP conditionally supported the measure for rulemaking pending NQF endorsement.

Hospital Inpatient Quality Reporting (IQR) Program - The Hospital Inpatient Quality Reporting (IQR) Program is a pay-for-reporting program that requires hospitals paid under the Inpatient Prospective Payment System (IPPS) to report on various measures; this includes process, structure, outcome, and patient perspective on care, efficiency, and costs-of-care measures. Hospitals that do not participate or meet program requirements have an applicable percentage increase that is reduced by one-quarter. The goals of the Hospital IQR Program are two-fold: (1) to provide an incentive for hospitals to report quality information about their services and (2) to provide consumers with information about hospital quality so that they can make informed choices about their care.

MAP reviewed two measures under consideration for the Hospital IQR Program related to hospital harm and maternal morbidity and offered conditional support for both pending NQF review and endorsement.

MAP did not review any measures for the Medicare and Medicaid EHR Promoting Interoperability Program for Eligible Hospitals and Critical Access Hospitals for endorsement.

PPS-Exempt Cancer Hospital Quality Reporting Program - The Prospective Payment System (PPS)-Exempt Cancer Hospital Quality Reporting (PCHQR) Program is a quality reporting program for PPS-exempt cancer hospitals. The program's goal is to provide information about the quality of care in the 11 cancer hospitals that are exempt from the Medicare Inpatient Prospective Payment System.

In its 2019-2020 pre-rulemaking deliberations, MAP reviewed two patient safety measures under consideration for the PCHQR program related to infections from central lines and catheters. MAP supported both measures for rulemaking.

Key Themes From the Hospital Workgroup Pre-Rulemaking Review Process – Major themes from the MAP Hospital Workgroup discussions centered around the need for patient safety measures and the importance of a systems view for measurement.

MAP highlighted the need for patient safety measures for each of the hospital and setting-specific program discussions. Patient safety-related events occur across healthcare settings and include healthcare-associated infections, medication errors, and other potentially avoidable events. The measures considered by MAP spanned a variety of patient safety topic areas, including preventable infection, preventable blood transfusion, reducing maternal morbidity, reducing hyperglycemia events, and preventing harm through follow-up post-discharge. MAP emphasized that patients and consumers value patient safety measures in public accountability programs, and facilities can improve patient safety through quality improvement programs. Even for measures MAP considered this cycle but ultimately did not support, MAP members stressed the importance of each overall patient safety quality concept and the quality improvement activities that the measure would encourage.

MAP also discussed the need for using a system-level measurement approach to capture the patient episode of care, identifying priorities in measurement across settings and determining the appropriate accountable entity and setting. Measures specified for a single care setting that address system-level issues with shared accountability, such as follow-up visits and transitions of care, pose challenges in determining which entity should be measured and how. MAP concluded that while it is necessary to review measures using a setting-specific approach, there is also a need to examine measures from a system-level perspective. MAP noted that a system-level approach also requires the transfer of health information and use of eCQMs. MAP supported CMS' efforts to drive towards digital measures and cited eCQMs as one tool to assist in the reduction of measurement burden.

MAP PAC/LTC Workgroup

MAP reviewed two measures under consideration from the 2019 list for two setting-specific federal programs addressing post-acute care (PAC) and long-term care (LTC). Four programs did not have measures for review. MAP made the following recommendations.

Home Health Quality Reporting Program (HH QRP) - Established in accordance with section 1895(b)(3)(B)(v) of the Social Security Act, the Home Health Quality Reporting Program (HH QRP) requires home health agencies (HHAs) to submit HH QRP data appropriate for the measurement of healthcare quality. Sources of this data may include the Outcome and Assessment Information Set (OASIS) and the Home Health Care Consumer Assessment of Healthcare Providers and Systems survey (HH CAHPS®). HHAs that do not submit the data are subject to a two percent reduction in the annual home health market basket percentage increase.

MAP reviewed one measure under consideration for the HH QRP: *Home Health Within-Stay Potentially Preventable Hospitalization*. MAP conditionally supported this measure pending NQF endorsement. MAP noted that the measure adds value to the HH QRP measure set by adding an assessment of potentially preventable hospitalizations and observation stays that may occur at any point in the home health stay. No measure in the program currently provides this information. The measure supports alignment for the measure focus area of admissions and readmissions across care settings and providers. MAP encouraged consideration of including MA patients in future iterations of the measure.

Hospice Quality Reporting Program (HQRP) - The Hospice Quality Reporting Program (HQRP) was established under section 3004 of the ACA and applies to all hospices, regardless of setting. Under this program, hospice providers must submit quality reporting data from sources such as the Hospice Consumer Assessment of Healthcare Providers and Systems survey (CAHPS Hospice survey) and the Hospice Item Set (HIS) data collection tool, or be subject to a two percent reduction in the applicable annual payment update.

MAP reviewed one measure under consideration for the HQRP: *Hospice Visits in the Last Days of Life*. MAP conditionally supported this measure pending NQF endorsement and the removal of the existing hospice visit measures from the program. Generally, MAP agreed that collecting information about hospice staff visits will encourage hospices to visit patients and caregivers, provide services that will address their care needs, and improve quality of life during the patient's last days of life. MAP observed that the measure under consideration performed better in validity and reliability testing and has lower provider burden than the existing program measures because it is reported using claims data. MAP agreed that the goal of hospice is comfort. MAP suggested that future iterations of this measure consider the quality of provider visits in addition to the quantity of visits.

Key Themes From the PAC/LTC Workgroup Pre-Rulemaking Review Process - MAP noted that patients requiring post-acute and long-term care are clinically complex, and therefore may frequently transition across sites of care. MAP's discussion of the PAC/LTC settings and programs focused on the following themes: capturing the voice of patients through PRO-PMs, making EHRs and eCQMs more useful, and identifying measurement opportunities for the PAC/LTC population.

MAP identified PROs as one of the most important priorities for PAC/LTC programs. Thoughtfully soliciting and incorporating the voice of the patient into quality measurement will contribute to the alignment of care with patient goals and preferences. MAP members noted that traditional care goals focusing on improvement in function and health status may not be appropriate for the entire PAC/LTC population. The goal of care may be maintaining current functional status, limiting decline, and/or maximizing comfort. Assessment and measurement of patient goals should be an important focus in this population. MAP recommended thoughtful consideration around the burden associated with PRO completion. This burden should be balanced with the goal of providing information that is useful to patients in selecting providers and for providers to understand how to improve care.

Patients who receive care from PAC and LTC providers frequently transition among multiple sites of care. Patients may move among their homes, the hospital, and other PAC or LTC settings as their health and functional status change. Improving care coordination and quality-of-care transitions is essential to improving PAC and LTC. MAP identified care coordination as the highest priority measure gap for PAC/LTC programs. MAP pointed out the potential of health information technology (IT) to improve quality and minimize the burden of measurement. MAP members noted that EHR adoption in PAC/LTC

settings often lags other care settings since PAC/LTC settings have had fewer incentives to implement new technology. Increased use of technology could help to improve transitions and the exchange of information across providers. MAP supported CMS in its effort to improve standardization and promote interoperability, specifically Health Level Seven's (HL7) Fast Health Interoperability Resources (FHIR) standards. MAP recommended that CMS work with vendors to improve EHR interoperability. Prioritizing interoperability across care settings will maximize its impact by allowing more organizations to share and receive data. MAP members also cautioned about potential burden introduced through technology. Specifically, MAP encouraged CMS to monitor the impact of auto-populating EHRs to fulfill regulatory or other nonclinical requirements. This additional auto-populated information can crowd out or obscure critical clinical information.

MAP identified nine concepts for measurement within all PAC/LTC programs: (1) access to care, (2) care coordination, (3) chronic illness care (quality of life), (4) interoperability, (5) mental health, (6) pain management, (7) PROs, (8) social determinants, and (9) serious illness. MAP then prioritized the list, allowing each voting member to present two votes. The voting identified care coordination, interoperability, and PROs as the most important priorities for measurement for PAC/LTC programs. These key overarching themes highlight the importance of including the voice of the patient and patient-centered goals, the impact of technology and interoperability, and measurement opportunities for the PAC/LTC population.

Core Quality Measures Collaborative-Private and Public Alignment

Using performance measures as part of value-based models incentivizes the delivery of high quality care. Increasing the use of measure in various models, however, has also led to measure proliferation, operational difficulties, and confusion in interpreting measure results. The Core Quality Measures Collaborative (CQMC) is working to reduce measurement burden by facilitating cross-payer measure alignment through the development and adoption of core measure sets to assess the quality of US healthcare. The CQMC is a membership-driven initiative with over 70 organizations, including CMS, health insurance providers, primary care and specialty societies, and consumer and employer groups. In 2020, NQF convened 11 multistakeholder workgroups to update eight current core sets, create two new core sets in priority clinical areas, and develop an implementation guide to support adoption across payers. NQF also analyzed core set measure gaps to support actions and priorities of the CQMC for coming years.

The CQMC defines a core measure set as a parsimonious group of scientifically sound measures that efficiently promote a patient-centered assessment of quality and should be prioritized for adoption in VBP programs and APMs. To date, the CQMC has chosen to focus on clinician measurement, primarily in the outpatient setting, and to identify core sets that could support multiple care delivery models. Core sets are updated to include high-priority, evidence-based measures that are feasible to implement and that can drive the most improvement. The CQMC prioritizes outcome measures, including patient-reported measures, and digital measure and aims to continue to advance alignment of private and public payer models that use these measure types. In 2020, NQF updated the following eight core sets using a multistakeholder process and measure selection principles:

1. Accountable Care Organizations (ACOs), Patient Centered Medical Homes (PCMH) and Primary Care
2. Cardiology
3. Gastroenterology

4. HIV and Hepatitis C
5. Medical Oncology
6. Obstetrics and Gynecology
7. Orthopedics
8. Pediatrics

In 2020, new core sets were developed for Behavioral Health and Neurology clinical areas. While progress has been made updating the core sets and creating new ones, several areas in measurement gaps remain. The CQMC published a Gaps Analysis report to highlight cross-cutting gaps across the core sets as well as specific gap areas relevant to each clinical topic area.

The CQMC Implementation Guide identifies key components of successful value-based payment programs and synthesizes strategies and resources to help organizations succeed in their adoption. This guide outlines four elements of successful value-based payment implementation: (1) Leadership and Planning; (2) Stakeholder Engagement and Partnership; (3) Measure Alignment; and (4) Data and Quality Improvement Support. Payers and other stakeholders can use the implementation strategies to design, refine, strengthen, and extend value-based payment initiatives.

The CQMC's activities will continue into 2021. This work will address gaps (e.g., digital quality measures), continue to advance the core sets by including new measures and removing measures as needed, and focus on measurement of cross-cutting topics (e.g., safety, access). In addition, the CQMC will create strategies for measurement model alignment to promote greater communication and reporting of core set measures.

More information on the Collaborative can be found at the website: http://www.qualityforum.org/cqmc/.

VI. Gaps in Endorsed Quality and Efficiency Measures

Under section 1890(b)(5)(A)(i)(IV) of the Act, the CBE is required to describe in this report gaps in endorsed quality and efficiency measures, including measures within priority areas identified by HHS under the agency's National Quality Strategy, and where quality and efficiency measures are unavailable or inadequate to identify or address such gaps.

Gaps Identified in 2020 Completed Projects

During their deliberations, NQF's endorsement Standing Committees discussed and identified gaps that exist in current project measure portfolios. A list of the gaps identified by these Committees in 2020 can be found in Appendix G.

Measure Applications Partnership: Identifying and Filling Measure Gaps

In addition to its role of recommending measures for potential inclusion into federal programs, MAP also provides guidance on identified measurement gaps at the individual federal program level. In its 2019-2020 pre-rulemaking deliberations, MAP specifically addressed the high-priority domains CMS identified in each of the federal programs for future measure consideration. A list of gaps identified by CMS program can be found in Appendix H.

VII. Gaps in Evidence and Targeted Research Needs

Under section 1890(b)(5)(A)(i)(V) of the Act, the CBE is required to describe areas in which evidence is insufficient to support endorsement of quality and efficiency measures in priority areas identified by the Secretary under the National Quality Strategy and where targeted research may address such gaps.

NQF undertook several projects in 2020 to create strategic approaches, or frameworks, to measure quality in areas critical to improving health and healthcare for the nation but for which quality measures are too few, underdeveloped, or nonexistent.

A measurement framework is a conceptual model for organizing ideas that are important to measure for a topic area and for describing how measurement should take place (i.e., whose performance should be measured, care settings where measurement is needed, when measurement should occur, or which individuals should be included in measurement). Frameworks provide a structure for organizing currently available measures, areas where gaps exist, and prioritization for future measure development.

NQF's foundational frameworks identify and address measurement gaps in important healthcare areas; underpin future efforts to improve quality through metrics; and ensure safer, patient-centered, and cost-effective care that reflects current science and evidence. In 2020, NQF continued efforts on several projects focused on creating strategic measurement frameworks for maternal morbidity and mortality, person-centered planning and practice, measure feedback loop, PROs, EHR data quality, common formats for patient safety, and reducing diagnostic error. In addition, NQF initiated work on five new strategic measurement frameworks addressing attribution, rural health, opioids, behavioral health, EHR-sourced measures for care coordination, and PRO-PMs.

Attribution-Critical Illness/Injury

As mentioned earlier, the Attribution for Critical Illness and Injury project seeks to address the challenges of improving health outcomes during emergencies. While the healthcare system moves towards value-based design, measurement attribution approaches must continue to evolve. Attribution is defined as the methodology used to assign patients, and their quality outcomes, to providers or clinicians (National Quality Forum, 2016). To date, attribution models mainly focus on care for chronic conditions coordinated through a central unit, when most patients usually seek care from a usual source. High-acuity emergency care-sensitive conditions (ECSCs) (Carr et al., 2010), such as critical illness or injury, infectious diseases, and other public health emergencies that result in mass casualty and sudden surge of severely injured or infected patients, require prompt, team-based care. The COVID-19 pandemic underscores the complexities associated with attributing patients during public health emergencies. Factors such as resource availability, different entities providing care, communication of test results and patient needs, and orders that aim to minimize infection spread may all affect health outcomes. These attribution models may not be applicable to care delivery in public health emergencies. Identifying all providers who took part in treatment, differentiating their performance, and linking it to patient outcomes is technically complex. As evidence to support the best models of attribution for ECSCs is limited, defining the elements of such models and developing consensus-based recommendations will help advance the measurement field. This project aims to provide foundational guidance for attributing care and payment in areas that have not previously been addressed.

This work builds upon previously CMS funded work, NQF's 2016 Attribution: Principles and Approaches (National Quality Forum, 2016) and 2018 Improving Attribution Models (National Quality Forum, 2018),

as well as the Health Care Payment Learning & Action Network (HCP-LAN)'s 2016 Report on Patient Attribution (Health Care Payment Learning and Action Network, 2016). It will consider NQF's 2019 Healthcare System Readiness Measurement Framework that puts forth approaches to assess care delivery and the organization of resources prior to, during, and after emergencies (National Quality Forum, 2019).

NQF convened a multistakeholder Committee in late 2020. In 2021, the Committee will develop recommendations to guide future development of population-based attribution models for high-acuity ECSCs that can be used to strengthen accountability at the system level to improve patient outcomes.

Leveraging Electronic Health Record (EHR)-Sourced Measures to Improve Care Communication and Coordination

The goals of care communication and coordination efforts are to ensure that patient care that is delivered across multiple clinicians is synchronized and efficient. Effective care coordination involves seamless communication between each clinician, patient, and caregiver, as well as their families, particularly at transitions in care. In coordinated care, healthcare teams should strive to understand and implement a cohesive care plan where goals do not change as the patient moves from setting to setting (Williams, 2020).

Unfortunately, much of American healthcare today is not well coordinated. Patients often experience poor transitions in care between settings. There also may be duplicative testing and treatment plans that increase patient risks, including drug interactions. Clinicians may observe that a patient is directed to the incorrect place in the healthcare system or experiences a poor outcome from inadequate information exchange between clinicians. They may also experience unreasonable levels of effort to accomplish coordination during transitions in care. It has also been noted that healthcare organizations implement coordinated care unevenly and inconsistently. A recent survey found that only seven percent of patient care is coordinated across settings (Abbaszade et al., 2020).

In the 2014 Agency for Health Research and Quality (AHRQ), the Care Coordination Measurement Framework stated that care coordination can be measured through the presence or absence of specific coordination activities (e.g., creating a plan of care) or broad approaches (e.g., using care management) (Agency for Healthcare Research and Quality, 2014). The effects of care coordination can be measured as the presence or absence of a clinical event (e.g., a diagnostic error) or perception of coordination of care from the perspective of patients, clinicians, or health systems (Weston et al., 2017). However, measuring care coordination has been challenging with existing quality measures. Measurement thus far has focused on isolated coordination processes or activities as these processes or activities may be difficult to precisely replicate across settings as their success may be context dependent (i.e., working in one setting but not another). Additionally, there is a paucity of outcome-based measures in care coordination against which to measure program success.

EHRs have emerged as an important data source for quality measures as the ability of EHR systems to connect and exchange data is an important aspect of quality healthcare that has not been fully realized. EHR data are primarily designed to support patient care and billing, not necessarily capture data for secondary uses, such as quality measurement. However, within EHRs, technology tools and specific design features have been effectively deployed to help facilitate care coordination. This allows EHRs to serve as a way to improve both care coordination and how it is measured. Under this task order, NQF will convene a multistakeholder Committee to identify best practices to leverage EHR-sourced measures

to improve care communication and coordination quality measurement in an all-payer, cross-setting, and fully electronic manner.

In the initial year, NQF will perform an environmental scan to review, analyze, and synthesize the information from a literature review, expert interviews, and measure review to produce an environmental scan report. The report will define care communication and care coordination, discuss the impact of care communication and care coordination on health outcomes, define social determinants of health and discuss how they can affect care coordination, and highlight the opportunities and challenges associated with leveraging EHR-sourced data to improve care communication and coordination. This report will be high-level and engaging, communicating the findings of the environmental scan to a broad audience who may or may not have healthcare expertise but who are interested in understanding the relationship between clinical data and care coordination.

If funded, the environmental scan report will be followed by two reports of final recommendations that will outline how EHRs could better facilitate care communication and coordination and how EHR-sourced measures can be used to improve care communication and coordination, as well as possible EHR-sourced care communication and coordination measure concepts or specific areas of measurement within care communication and coordination.

In late 2020, NQF solicited nominations for experts to seat on a Committee and begin the environmental scan, including literature and measure reviews as well as expert interviews.

Rural Health Perspective

Rural-Relevant Measures Core Set

Low case-volume poses a measurement challenge for many healthcare providers in rural areas. Low population density, in combination with limited access to care, can reduce the number of patients eligible for inclusion in healthcare quality measures in Medicare public reporting and VBP programs. Low case-volume affects the reliability and validity of measure scores, making it difficult to compare performance between providers or track changes in quality over time. CMS, through rulemaking, sets minimum case requirements for its quality reporting and VBP programs. As CMS continues to expand the use of outcome measures in its programs, low case-volume among rural providers would increasingly limit CMS' ability to leverage outcome measures to encourage improvement in quality of care among rural providers, and to provide meaningful information to rural consumers to make informed decisions for their healthcare.

In 2018, NQF convened a multistakeholder Rural Health Workgroup to establish a Core Set of Rural-Relevant Measures (Core Set) that identified performance measures that are high impact and meaningful to rural Americans, feasible for providers to report to Medicare programs, and resistant to low case-volume challenges. To further advance measurement science related to low case-volume, CMS tasked NQF to also convene a TEP that would provide input on promising statistical approaches that could be used to address the low case-volume challenge.

Starting in fall 2019 through 2020, NQF worked to identify a list of high-priority, rural-relevant measures susceptible to low case-volume, reporting challenges for future testing of the TEP's recommended statistical approaches. NQF reconvened the Rural Health Workgroup to conduct an environmental scan of rural-relevant quality measures included in Medicare quality reporting and VBP programs, as well as develop a priority measure list and discuss reporting challenges specific to measurement in rural areas.

The Workgroup then recommended topic areas and measure attributes that would be used to identify suitable candidates for the statistical testing. Through in-depth discussion, voting, and responding to public comments on a preliminary short list of candidate measures, the Workgroup selected 15 measures susceptible to low case-volume and recommended they be prioritized for future testing of statistical approaches to overcome this challenge. The list of prioritized measures reflects a mix of measure attributes (e.g., type, analysis level, and care setting) and topic areas relevant to rural populations, including patient experience, access to care, behavioral health, chronic obstructive pulmonary disease, healthcare-associated infections, perinatal care, readmissions, transitions of care, and sepsis.

If future testing to overcome low case-volume challenges proves successful, this measure list may represent a key source of rural-relevant measures that can be considered for use in measurement programs. The creation of this prioritized list is an important step towards achieving high quality and high-volume outcomes for all Americans, regardless of whether their area of residence is rural or geographically remote.

Impact of Telehealth on Rural Healthcare System Readiness and Health Outcomes

Telehealth offers tremendous potential to transform the healthcare delivery system by overcoming geographic distance, enhancing access to care, and building efficiencies. The promise of telehealth has been particularly important in the wake of the COVID-19 pandemic, which has severely limited the ability of many Americans to see their healthcare providers in person. The COVID-19 pandemic has also brought the unique challenges faced by rural Americans into focus. Compared to urban dwellers, rural residents may be hit harder by the pandemic because of the continuous weakening of rural healthcare infrastructure. Rural communities have long been plagued by a lack of resources, closing of rural hospitals and other healthcare facilities, healthcare professional shortages, lack of transportation options, and limited availability of medical specialists. The prevalence of chronic conditions among rural Americans could further exacerbate the impact of the pandemic. Most US rural residents tend to be poorer, older, and sicker than non-rural residents, making the rural residents more vulnerable to infectious diseases than non-rural residents. Even for rural residents who are not infected, those with ambulatory care-sensitive chronic conditions—who normally depend on regular monitoring to keep their symptoms under control—may be confronted by even higher barriers to care during disaster events and other public emergencies. While telehealth may be an important part of the solution, there has been a lack of empirical evidence in the literature related to the experience of using telehealth to support surge capacity or strengthen system readiness in times of pandemics, natural disasters, mass violence, or other public emergencies. This moment provides an excellent opportunity to identify measures or measure concepts that may be appropriate for assessing the potential impact of telehealth on rural healthcare system readiness.

HHS has tasked NQF with developing a measurement framework linking quality of care provided by telehealth, system readiness, and rural health outcomes in a disaster. For this effort, NQF will build on foundational efforts in 2017, Creating a Framework to Support Measure Development for Telehealth, and a 2019 framework identifying key considerations for measuring and reporting the quality of Healthcare System Readiness. In late 2020, NQF assembled a new multistakeholder Committee of experts who will lead efforts of project activities through 2021. Specifically, Committee members will explore what capabilities telehealth requires to save lives in rural areas during a national emergency, what health outcomes in a national emergency can be fairly attributed to quality of care delivered by

telehealth, and what other factors (e.g., infrastructure, financial, and type of emergency) should be accounted for in assessing the impact of telehealth on health outcomes in a disaster. The Committee will need to be especially considerate of recent changes in telehealth technology, policy, and practice to ensure that the new measurement framework is high quality and meets the needs and contours of the current telehealth environment.

Opioids and Behavioral Health

Opioid-related overdose deaths and morbidity have emerged as a complex and evolving challenge for the US healthcare system. The March 20, 2020 Morbidity and Mortality Weekly Report confirmed that in 2018, there were nearly 47,000 US deaths attributable to opioid use, both prescription and illicit (Wilson et al., 2020). Moreover, a large proportion of those deaths are tied to heroin that is laced with illegally manufactured synthetic and semi-synthetic opioids. While this represents a decrease from 2017 in deaths involving all opioids by two percent, heroin by four percent, and prescription opioids by 14 percent, death rates associated with synthetic opioids increased by 10 percent (Barry, 2018). Quality measures related to opioid use are a key component to holding care providers, payers, and policymakers accountable as direct purveyors or indirect sponsors of the best possible care regarding pain management and substance use dependence treatment and prevention.

Under section 6093 of the 2018 Substance Use-Disorder Prevention that Promotes Opioid Recovery and Treatment for Patients and Communities (SUPPORT) Act (section 1890A(g) of the Social Security Act), CMS funded NQF to convene a 28-member TEP composed of physicians, nurses, patients, pharmacists, and others with expertise in pain management and OUD to address opioid measurement challenges from 2019–2020. The TEP made a series of recommendations related to identifying and prioritizing gaps in quality measures that needed to be filled to reduce OUD and opioid overdose deaths without undermining effective pain management. In addition, the TEP made recommendations for appropriate opioid-related measures and measure concepts to be deployed in five federal quality and performance programs administered by CMS (National Quality Forum, 2020). The Opioid TEP recognized an emerging "fourth wave" of the opioid epidemic related to polysubstance use. Increasingly, individuals with OUD are more likely to use psychostimulants such as amphetamines, use opioids with other substances during the same use period, and suffer from concomitant psychiatric conditions, such as anxiety, depression, and suicidal ideation (Snyder et al., 2019). In 63 percent of opioid overdose deaths, evidence of co-occurring prescription or illicit drug use was also present (Gladden et al., 2019). Because of the clear connection between concomitant behavioral health (BH) conditions with OUD and the impact of polysubstance use on opioid mortality and morbidity, the TEP prioritized the identification and development of measures that address comorbidities of OUD with psychiatric conditions and substance use disorder (SUD).

In late 2020, NQF convened a new Committee for Opioids and Behavioral Health (OBH) to address the priority identified by the Opioid TEP. The OBH Committee will conduct an environmental scan of currently available, all-payer measures or measure concepts that address overdose and mortality resulting from polysubstance use involving synthetic or semi-synthetic opioids among individuals with co-occurring behavioral health conditions. CMS has an interest in all-payer measures to facilitate alignment across payers and programs, to promote focus on commonly held quality priorities, and to reduce provider burden associated with measure reporting. CMS has also expressed an interest in outcome measures, including PRO-PMs, as well as digital measures that draw on low-burden data sources. The Committee will be especially cognizant of measures that address pertinent social

determinants of health related to OUD. The Committee is particularly interested in measures or measure concepts related to non-medical levers or non-medical partnerships. Measure gaps identified will also be discussed and prioritized.

In 2021, the Committee plans to develop a measurement framework based on the environmental scan.

Common Formats for Patient Safety[1]

The Common Formats for Patient Safety is a project that began in 2013 and is supported by AHRQ to obtain comments from stakeholders about the Common Formats authorized by the Patient Safety and Quality Improvement Act of 2005 (Patient Safety Act) (Health and Human Services, Office for Civil Rights, 2008) that authorizes AHRQ to designate Patient Safety Organizations (PSOs) that work with providers. To support PSOs in reporting data in a standard way, AHRQ created "Common Formats"—the common definitions and reporting formats—that standardize the method for healthcare providers and PSOs to collect and exchange information for any patient safety event. The objectives of the Common Formats tools are to standardize patient safety event data collection, permit aggregation of collected data for pattern analysis, and learn about trends in patient safety concerns. AHRQ first released Common Formats in 2008 to support event reporting in hospitals and has since developed Common Formats for event reporting within nursing homes and community pharmacies, as well as Common Formats for hospital surveillance. The Common Formats for event reporting apply to all patient safety concerns, including incidents, near misses or close calls, and unsafe conditions.

NQF, on behalf of AHRQ, coordinates a process to obtain comments from stakeholders about the Common Formats and facilitates feedback on those comments via an NQF-convened Expert Panel. In 2020, NQF continued to collect comments on all elements (including, but not limited to, device or medical/surgical supply, falls, medication or other substance, perinatal, surgery, and pressure injury) of the Common Formats, including the most recent release, Hospital Common Formats Version 0.3 Beta. The public has an opportunity to comment on all elements of the Common Formats modules using commenting tools developed and maintained by NQF. In 2020, NQF also upgraded the technology platform supporting the Common Formats commenting tool and filled several vacancies on the Expert Panel.

Person-Centered Planning and Practice

Person-centered planning is a facilitated, individual-directed, positive approach to the planning and coordination of a person's services and supports based on individual aspirations, needs, preferences, and values. The goal of person-centered planning is to create a plan that will optimize the person's self-defined quality of life, choice, control, and self-determination through meaningful exploration and discovery of unique preferences, needs, and wants in areas including, but not limited to, health and well-being, relationships, safety, communication, residence, technology, community, resources, and assistance.

From 2019–2020, NQF convened a multistakeholder Committee to address Person-Centered Planning (PCP) in long-term services and supports (LTSS) systems. Committee members represented a variety of stakeholders, including self-advocates, caregivers, purchasers, providers, health professionals, health plans, suppliers, and experts in community and public health and healthcare quality. The Committee included experts in PCP, family-centered care, shared decision making, self-advocacy, consumer

[1] This project is not funded under section 1890/1890A of the Social Security Act.

engagement, home, and community-based services (HCBS), facility-based care, community inclusion, and Medicaid. The diversity of people who use LTSS required representation of self-advocates from the mental health, nursing home, dementia, and disability communities. The Committee reflected the diversity of experience and insight, as well as the historical experience of being marginalized and underserved. Its diverse membership underscores the need to find similarities and maximize inclusiveness to move the field forward.

Through a consensus-building process, stakeholders representing a variety of diverse perspectives met throughout the project to refine the current definition for PCP; develop a set of core competencies for performing PCP facilitation; make recommendations to HHS on system characteristics that support PCP; conduct a scan that includes historical development of PCP in LTSS systems; develop a conceptual framework for PCP measurement; and create a research agenda for future PCP research.

Throughout their deliberations, the Committee considered the focus on the person and the context of their life to be at the center of the PCP process. The plan that emerged and its implementation is influenced by the competencies exhibited by the facilitator of the planning, the existing characteristics of the person's healthcare system environment, and the quality measurement and improvement efforts directly associated with each step of the PCP. The final recommendations of the PCP Committee are provided within a summary report.

Maternal Morbidity and Mortality

Maternal morbidity and mortality have been identified as primary indicators of women's health and quality of healthcare globally. The Healthy People 2020 target goal for the US maternal mortality rate is 11.4 maternal deaths (per 100,000 live births), but as of 2018 the US rate is 17.4 maternal deaths (per 100,000 live births) (Centers for Disease Control and Prevention, 2020c). This rate is much higher than other high-income countries, with more than 700 women dying annually from pregnancy-related causes. The leading causes of overall maternal mortality can be attributed to increased rates of CVD , hemorrhage, and infection (Centers for Disease Control and Prevention, 2020a). Women with poor maternal outcomes are at increased risk for recurrence in their next pregnancy and are at increased risk of chronic illness later in life. While the postpartum period presents an opportunity to intervene to improve this trajectory, many women still face barriers, such as cost, transportation, lack of provider availability, loss of insurance, childcare, psychological distress, challenges communicating with a provider, and health literacy.

In fall 2019, NQF convened a 35-person multistakeholder Maternal Morbidity and Mortality Committee to provide input and guidance on the identification of two measurement frameworks: (1) measure concepts and (2) actionable measurement approaches addressing facets of maternal morbidity and mortality. This project includes the development of an environmental scan, two measurement frameworks addressing maternal morbidity and mortality separately, a recommendation for an actionable maternal mortality measure concept, and recommendations for actional measurement approaches for morbidity and mortality.

During 2020, the Committee was convened through seven web meetings to discuss the content of the environmental scan, measurement frameworks, and mortality measure concept(s). The environmental scan focused on prevalence, incidence, risk factors (medical and non-medical), measure concepts, fully developed measures, measures in use, processes for maternal care delivery, maternal health outcomes (e.g., postpartum readmissions, infections, injuries, and other pregnancy complications in addition to

mortality) and other factors/areas influencing outcomes, including health disparities. It also highlighted innovations in measurement methodologies, limitations or gaps in measurement and considerations regarding measurement data sources. As presented in the environmental scan, the Committee discussed the importance of influencing factors related to maternal morbidity and mortality, including both clinical and nonclinical components across the continuum of care. These influencing factors were further defined by individual levels (e.g., age, education, knowledge, beliefs, and behaviors); societal/community factors (e.g., social network, built environment, and housing); hospital factors (e.g., implicit bias, cultural competence, and communication); and system-level factors (e.g., access, structural racism, and policy). These factors are interrelated and contributors to each other; they emphasize the importance of the pregnancy and childbirth experience along the continuum of a woman's life. This notion underscores the need to broaden the viewpoint to include a comprehensive assessment of medical and nonmedical risk factors to better understand the larger context of influencers and contributors for adverse outcomes beyond traditional hospital risk factors. The environmental scan highlighted several nonclinical influencing factors, which included healthcare disparities, race and racism, discrimination, residential segregation, implicit bias, language barriers in healthcare, health literacy, rural communities, and other social determinants of health. The full copy of the environmental scan also expands upon specific contributors to severe maternal morbidity and maternal mortality along with innovations in measure methodologies and a list of existing measures.

The Committee continues to discuss the two separate measurement frameworks for maternal morbidity and mortality as well as identify an actional mortality measure concept. The final recommendations report will include these frameworks as well as short- and long-term innovative actionable approaches to improve maternal morbidity and mortality measurement across various healthcare settings and detail how to use the measurement to improve maternal health outcomes. The final recommendations report is expected in August 2021.

Measure Feedback Loop

Measure feedback is essential to the quality improvement enterprise. Feedback on quality measures provides an important opportunity to understand the extent to which data for the measures is being captured without undue burden; how, where, and who is using the measures; what, if any, unintended consequences arise from using the measures after they receive NQF-endorsement on providers, payers, consumers, caregivers, measured populations, and others; and, ultimately, whether measures are having their intended effect on improving the quality of care and health outcomes for individuals and populations.

The NQF measure feedback loop refers to the process of providing feedback from those who use measures to measure developers and Standing Committee members who may have recommended that the measure receive or maintain NQF-endorsement or be selected for use in a federal quality program through MAP. To close the loop, responses to the feedback should be shared back with those who submit feedback. Gathering meaningful, timely, comprehensive, and actionable feedback on measures after they are implemented also helps NQF and quality measurement stakeholders to engage in continuous quality improvement of the quality improvement enterprise.

For the Measure Feedback Loop project, NQF convened a multistakeholder Committee to understand NQF Standing Committee needs for measure feedback and to elicit ideas for innovative, efficient, and effective approaches to integrate measure feedback into the measure endorsement process and maintenance of endorsed measures. This multistep effort was aimed at improving NQF's measure

feedback loop by identifying a set of strategies that can be piloted to improve the ways in which NQF solicits, collects, facilitates, and shares measure feedback among stakeholders within NQF's endorsement and maintenance processes.

In June 2020, NQF delivered the final report for the project that focused on a proposal implementation plan to pilot and evaluate strategies to improve the measure feedback loop that align with the Committee's goals for the measure feedback loop pilot to minimize burden for those providing feedback; ensure relevant stakeholders know how to provide measure feedback to NQF; ensure NQF Standing Committees receive meaningful and adequate information to apply the feedback to the relevant measure evaluation criteria and make informed recommendations for endorsement; ensure developers receive timely, meaningful, and actionable measure feedback; ensure those who provide feedback hear back about how feedback was or was not addressed; and define a standard pathway for generating and collecting measure feedback.

The proposed plan for the measure feedback loop pilot implementation consists of three steps: (1) generate meaningful and actionable feedback from measure users; (2) standardize and streamline the NQF Measure Feedback Tool and measure feedback process; and (3) support stakeholders to apply the measure feedback collected through prior steps. These steps include strategies and tactics that the Committee rated as having high-potential benefit while being at low- to medium-resource intensity to support the feasibility of implementing successful strategies beyond the pilot. Continuous efforts to improve the measure feedback loop is vital to the success of the quality improvement enterprise and requires the buy-in and participation of key stakeholders from the healthcare community, including measure users, measure developers, and NQF Standing Committee members.

Patient-Reported Outcomes: Best Practices on Selection and Data Collection

Prior work by NQF created structured recommendations around patient-reported outcomes (PROs), patient-reported outcome measures (PROMs), and patient reported outcome performance measures (PRO-PMs) (National Quality Forum, 2012b). While the differences between these are subtle (e.g., in the context of knee replacement, post-surgical symptoms, such as pain, are considered PROs), a patient-reported survey of the knee injury and osteoarthritis outcome is considered a PROM, and the provider performance managing the post-surgical knee pain is an example of a PRO-PM. Unfortunately, both the widespread use and adoption of PROs and PROMs have faced barriers, as have the development, endorsement, and implementation of PRO-PMs (Philpot et al., 2018). Currently, NQF's measure endorsement portfolio includes seven PRO-PM measures. These barriers may stem from clinician and patient concerns about upstream factors of PRO-PM development, namely the value and choices of PROs and the selection and implementation of PROMs. Limited relevance of some PROs to patient goals, clinicians' concerns about the limited value of some PROs to care planning, a lack of guidance for clinicians on how to interpret PRO data, and burden of PROM implementation and incompatibility with workflow have all inhibited efforts to develop and expand the use of PRO-PMs in informing quality improvement. To increase broad-based acceptance of PRO-PMs, it would be important to address these *upstream* hurdles related to PROs and PROMs. An environmental scan was published in December 2019, providing a current assessment of PRO use within healthcare.

The final technical report, released in September 2020, built on the environmental scan by providing guidance from the TEP that clinicians and organizations can use in addressing barriers that affect the selection and implementation of PROs and PROMs. The final report reviews commonly used

PRO categories and discusses best practices for PRO selection in clinical care. Patient, family member, and caregiver involvement are critical components of PRO selection to ensure the information is meaningful, and this perspective should accompany a multistakeholder selection process that also includes clinicians, researchers, and other experts. Key takeaways include the importance of identifying the overarching clinical goals that PROs should meet and the importance of keeping actionability and feasibility in mind throughout the selection process.

The final report also discusses how to select the correct PROM for an organization in order to collect data and generate usable information to help inform patient care. The multistakeholder selection team should understand that PROMs exist on a continuum of specificity and range from disease-agnostic to disease-specific, each with its unique set of advantages. Patients bring important perspectives to questions around burden (e.g., how long it takes to complete each PROM), modes (e.g., whether a PROM is self-administered or completed via interview), and methods (e.g., whether a PROM is completed via paper, email, or patient portal). Involvement by providers and other experts is also critical when selecting PROMs, as these stakeholders can inform the perceived value of different PROMs in improving care. The final report reviews and expands upon the attributes of PROMs that were discussed in past literature and that should be considered during the selection process. Five best practices for PROM selection are introduced, and an attribute grid is presented as a tool to aid in comparing and selecting them.

The final technical report explores best and promising practices related to the implementation of PROMs. Buy-in from patients, clinicians, leadership, and other key stakeholders is arguably the most critical aspect of implementation, and the report offers guidance on securing buy-in. The burden of data collection affects both clinical staff and patients, and recommendations are provided to minimize this burden. Workflow implementation is addressed, including the opportunities to delegate tasks around the collection, interpretation, and communication of outcomes data appropriately across clinical and support staff. Clinicians must be able to accurately interpret scores and communicate effectively with patients about what the scores mean, and recommendations are included to improve interpretation and communication. Promising practices are explored around the integration of PROMs with EHRs, as are the implications of using return-on-investment and patient- and physician-incentives as a primary way to measure the cost, value, and benefit of PROMs. Using three clinical scenarios (burns and trauma, heart failure, and joint replacement) as examples, the project examined key elements of PROMs and assessed use cases for different people involved in the selection process.

Building a Roadmap From Patient-Reported Outcome Measures to Patient-Reported Outcome Performance Measures

In the foreseeable future, measure developers will create digital PRO-PMs that are based on high quality PROMs. EHR systems will not only collect data for those PRO-PMs, but will also calculate and submit aggregate scores for regulatory and reimbursement purposes. For this to occur, measure developers need step-by-step guidance to help identify attributes of high quality PROMs and create digital PRO-PMs that are based on those PROMs. NQF will create this guidance, or roadmap, by convening a TEP that consists of measure developers; health IT experts; clinicians and representatives of professional societies; professionals involved in payment, reimbursement, and purchasing; and patients. This work will be viewed through the lens of chronic pain and functional limitations, two areas with deep knowledge of patient-reported measures.

In late 2020, NQF solicited nominations to convene a TEP. This panel of experts will be finalized in early 2021 and will be charged with developing an environmental scan report that will review literature related to high quality PROMs and how they can affect the development of PRO-PMs, specifically electronic or digital PRO-PMs. Because of the novel nature of this initiative, NQF staff have also been exploring other resources, such as PRO-PMs that have undergone the NQF endorsement process (either successfully or unsuccessfully), bodies that review and recommend PROMs, and any PROMs and/or PRO-PMs that are used by CMS VBP Programs or APMs. NQF aims to present its initial environmental scan findings at the first TEP meeting in January 2021.

Electronic Health Record Data Quality

One of the promises of EHRs is that they enable automated clinical quality measure reporting. EHR systems are primarily designed to support patient care and billing, not necessarily capture additional data to support quality measurement (Centers for Medicare & Medicaid Services, 2019b). However, since EHR data are routinely collected for patient care that can be used for clinical quality measures, they can be reused to reduce provider burden associated with public reporting and VBP programs (Eisenberg et al., 2013). Despite high adoption rates in multiple care settings, the promises of EHRs have not yet been fully realized because of considerable variation in data quality.

NQF defines electronic clinical quality measures (eCQMs) as measures that are specified using the industry accepted eCQM technical specifications, which include, but are not limited to, health quality measure format (HQMF), the Quality Data Model (QDM), Clinical Quality Language (CQL), and value sets vetted through the National Library of Medicine's Value Set Authority Center (VSAC) (National Quality Forum, 2012a). Using EHRs as a source of data, eCQMs were designed to enable automated reporting of measures using structured data. With the use of structured data, eCQMs have the potential to provide timely and accurate information pertinent to clinical decision support and facilitate timely and regular monitoring of service utilization and health outcomes (Bailey et al., 2014). Currently, NQF has endorsed nearly 540 healthcare performance measures with only 34 of these being eCQMs. Although the number of endorsed eCQMs is low, several measures in NQF's portfolio are quality measures that rely on data that come from an EHR, which NQF refers to as EHR-sourced measures. NQF has identified the ability of EHR systems to connect and exchange data as an important aspect of quality healthcare. However, eCQMs and EHR data are not enough to enable automated quality measurement. To better understand the potential of improving quality measurement with the use of EHR data for clinical quality measures, it is important to examine the current state of EHR data quality.

In 2020, NQF continued the implementation of an 18-month project that was initiated in 2019 to identify the causes, nature, and extent of EHR data quality issues, particularly as they relate to measure development, endorsement, and implementation. This multistep effort was aimed at identifying a set of strategies for addressing issues hindering EHR data quality and focused on how well EHR data can be used to support automated clinical quality measurement. To achieve this, NQF convened a 21-member multistakeholder TEP over a series of web meetings to guide and provide input on the work.

Additionally, NQF completed an environmental scan that was delivered to CMS in May 2020 and identified currently available information on EHR data quality issues, current efforts to address these issues, and key stakeholders' perspectives and input based on their experiences. The current state assessment from the environmental scan set the foundation for the development of a final report that will be delivered to CMS in December 2020, which offers recommendations on how to advance EHR data in ways that better support the development, endorsement, and implementation of eCQMs. An

overarching issue of EHR data quality identified by the TEP is the challenge of eliciting multiple stakeholders (e.g., vendors and providers) to participate with measure developers early and throughout the development life cycle in a way that balances the cost of participation with the downstream benefit of reducing workflow and implementation costs once the tested measure is in each program. Although the final report focuses on opportunities for HHS, CMS and NQF, additional work in this area does not only lie with these stakeholder groups. It is recommended that future work should focus on opportunities for other stakeholders who can have an impact on EHR data quality issues beyond HHS, CMS, and NQF. Until then, NQF will share the recommendations in the final report with HHS, CMS, and other external stakeholders for consideration and potential implementation.

Reducing Diagnostic Error

The delivery of high quality healthcare is predicated upon an accurate and timely diagnosis. Diagnostic errors, which are defined as the failure to establish or communicate an accurate and timely assessment of a patient's health problem, contribute to an estimated 40,000-80,000 deaths each year (Leape et al., 2002). Approximately 12 million Americans suffer a diagnostic error each year, and the National Academies of Science, Engineering, and Medicine (NASEM) Committee on Diagnostic Error in Health Care suggested that most people will experience at least one diagnostic error in their lifetime (Singh et al., 2014).

In 2017, NQF convened a multistakeholder Expert Committee to develop a conceptual framework for measuring diagnostic quality and safety and to identify priorities for future measure development. The 2017 Measurement Framework included three domains: (1) Patients, Families, Caregivers; (2) Diagnostic Process and Outcomes; and (3) Organization and Policy Opportunities. To further advance patient safety and reduce diagnostic error, NQF convened a new multistakeholder Committee in 2019 to revisit and build on the previous Committee's work.

The Improving Diagnostic Quality & Safety/Reducing Diagnostic Error: Measurement Considerations Committee first reviewed the Diagnostic Process and Outcomes domain of the 2017 Measurement Framework to identify any needed updates. The Committee also identified high-priority measures, measure concepts, current performance measures, and areas for future measure development that have emerged since the initial development of the 2017 Measurement Framework. Informed by these activities and over a series of web meetings—five of which occurred in 2020—the Committee developed practical guidance, including specific use cases to demonstrate how the framework can be operationalized in practice, as well as detailed recommendations for measuring and reducing diagnostic error.

The Committee designed four use cases to support the practical application of the Diagnostic Process and Outcomes domain of the 2017 Measurement Framework. The use cases were developed by the Committee as an opportunity to identify comprehensive resolutions to specific types of diagnostic errors. The four use case topics selected (i.e., missed subtle clinical findings, communication failures, information overload, and dismissed patients) reflect high-priority problems and examples of diagnostic errors that cause patient harm. Each use case describes a type of diagnostic error, its causal factors, key stakeholders who can help overcome and prevent the error, and global and granular solutions to the error. The solutions within the use cases reflect opportunities for stakeholders to reduce diagnostic errors in the subdomains of the Diagnostic Process and Outcomes domain of the 2017 Measurement Framework, allowing for stakeholders to drive improvement in multiple areas, including information gathering and documentation, information integration, information interpretation, diagnostic efficiency,

diagnostic accuracy, and follow-up. Use cases also include snapshots of case exemplars to demonstrate how the specific solutions can be implemented in practice. The case exemplars range across settings and populations. Each use case concludes with a description of the impact of the identified solutions on patient safety, as well as a section on measurement approaches and measure concepts.

The Committee also identified a series of comprehensive, broad-scope, actionable, and specific recommendations for applying the Diagnostic Process and Outcomes domain of the 2017 Measurement Framework and for measuring and reducing diagnostic error. Recommendations for applying the Diagnostic Process and Outcomes domain highlight implementing quality improvement activities to identify and reduce errors to prevent them from occurring, including specific recommendations related to engaging patients, educating clinicians, developing, and deploying clinical protocols, leveraging technology, supporting a culture of teamwork, and improving information sharing. Each recommendation for applying the 2017 Measurement Framework aligns with a specific recommendation for measuring and reducing diagnostic error. These measurement-focused recommendations are centered around using patient-reported measures; assessing, providing, and obtaining feedback on clinician diagnostic performance and adherence to diagnostic protocols; evaluating the impact of technology and leveraging technology to reduce errors; measuring communication and teamwork; assessing the appropriate use of laboratory testing and radiology; and measuring the total cost, time, and impacts of diagnostic odysseys. Each recommendation has related actions for diverse stakeholders to measure and evaluate current processes and outcomes, including the identification of prioritized measure concepts.

In October 2020, NQF delivered the final report for this project, which includes the Committee's recommendations for the practical application of the Diagnostic Process and Outcomes domain of the 2017 Diagnostic Quality and Safety Measurement Framework, measuring and reducing diagnostic error, and measuring and improving patient safety. The final report incorporates feedback received from the public during the 30-day public commenting period that occurred from July to August 2020. Diverse stakeholders (e.g., healthcare organizations, clinicians, patients, payers, measure developers, EHR vendors, policymakers, and others) can use the practical guidance and recommendations in the report to reduce diagnostic errors. Stakeholders can use existing measures and measurement concepts, as well as the future measurement approaches, to identify specific opportunities for reducing diagnostic error and improving patient safety. The implementation strategies and solutions within the report can subsequently be used to drive improvement in diagnostic processes and outcomes. Organizations and stakeholders can also use existing measures, measure concepts, and future measurement approaches to measure the effectiveness of the interventions and solutions. Diverse stakeholders can implement the broad-scope, comprehensive recommendations included in the report to apply the 2017 Measurement Framework, and to measure and reduce diagnostic error, ultimately improving patient safety.

VIII. Conclusion

Now more than ever, national health priorities continue to highlight the need for improvement of quality measurement. Promoting effective communication, prevention, and treatment of chronic disease, working with communities to promote best practices of healthy living, and making care affordable are all still at the forefront when driving to deliver better health and healthcare outcomes.

The COVID-19 pandemic, a national priority, underscored the immense need to work collaboratively to raise healthcare quality to the next level through measurable health improvements. NQF received funding for a series of projects that would help to tackle some of the challenges highlighted as a result of the pandemic. These projects focused on addressing the opioid-related outcome, attribution-critical illness and injury, and identifying best practices for developing and testing risk adjustment models. CMS and NQF together have recognized the need to further address these topic areas and will continue to work together to address some immediate challenges to pave the way to close these gap areas.

This year, NQF sought to maintain a coordinated effort across public and private payers by facilitating alignment through the development and adoption of core measure sets, as well as expanding the clinical topics during 2020 to include behavioral health and neurology. The increased reliance upon performance measures has led to expansion in the number of measures being used and an increase in burden on providers collecting the data, confusion among consumers and purchasers seeing conflicting measure results, and operational difficulties among payers.

NQF's Measure Applications Partnership (MAP) is composed of stakeholders from across the healthcare system, including patients, clinicians, providers, purchasers, and payers, who continue to recommend measures for use in federal programs and provide strategic guidance. Through its eight years of pre-rulemaking reviews, MAP has aimed to lower costs while improving quality, promote the use of meaningful measures, reduce the burden of measurement by promoting alignment and avoiding unnecessary data collection, and empower patients to become active consumers by ensuring they have the information necessary to support their healthcare decisions. MAP's work that concluded in 2020 included a review of 18 performance measures under consideration for use in nine HHS quality reporting and value-based payment programs covering clinician, hospital, and post-acute/long-term care settings.

NQF's work in evolving the science of performance measurement has also expanded over the years, and recent projects focus on challenges that stand in the way of achieving high value outcome and cost measures, as well as bringing new kinds of providers into accountability programs.

NQF continued to bring together experts through multistakeholder Committees to identify evidence-based performance measures. NQF's work to review and endorse performance measures provides stakeholders with valuable information to improve care delivery and transform the healthcare system. NQF-endorsed measures enable healthcare providers to understand if they are providing high quality care and where improvement efforts remain. NQF maintains a portfolio of evidence-based measures that address a wide range of clinical and cross-cutting topic areas. In 2020, NQF endorsed 84 measures across two cycles for each of the 14 topic areas. In addition, NQF's Standing Committees surfaced important measurement gaps in areas such as behavioral health and substance use and perinatal and women's health. NQF remains committed to ensuring the endorsement process is transparent and objective through the two-cycle review that occurs every year.

NQF also undertook several projects in 2020 to create strategic approaches, or frameworks, to measure quality in areas critical to improving health and healthcare. These projects spanned across several topics, including maternal health, person-centered planning, improving EHR-sourced measures, rural health, closing the measure feedback loop, PROs, common formats for patient safety, and reducing diagnostic error.

In 2021, NQF looks forward to partnering with CMS to address other issues that may hinder collective efforts to address measurement science challenges and further the efforts in delivery of care.

IX. References

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Appendix A: 2020 Activities Performed Under Contract With HHS

1. Federally Funded Contracts Awarded in FY 2020

IDIQ Contract	Contract Number	Task Order Name	Description	Period of Performance	Negotiated Contract Amount for FY 2020
HHSM-500-2017-00060I	HHSM-500-T0003	Measure Applications Partnerships	Provide recommendations related to multistakeholder group input on the selection of quality and efficiency measures for payment and public-reported programs.	March 27, 2020 - March 26, 2021 (Option Year 2)	$1,393,823
HHSM-500-2017-00060I	75FCMC18F0001	Social Risk Trial	Review outcome measures for endorsement or maintenance; elicit recommendations for disparity-sensitive measures; and identify sources and standards for patient-level social risk factor information for measuring equity.	May 15, 2020 - May 14, 2021 (Option Year 2)	$418,163
HHSM-500-2017-00060I	75FCMC20F0001	Best Practices for Developing & Testing Risk Adjustment Methods	Develop technical guidance on social and functional status-related risk adjustment in quality measurement.	June 15, 2020 - September 14, 2021 (Base Year)	$1,096,931
HHSM-500-2017-00060I	75FCMC20F0002	Measurement Framework for Addressing Opioid-Related Outcomes Among Individuals With Co-occurring Behavioral Health Conditions	Develop a measurement framework that addresses polysubstance use involving synthetic or semi-synthetic opioids (SSSO) among individuals with co-occurring Behavioral Health (BH) conditions.	June 30, 2020 - September 29, 2021 (Base Year)	$655,345

IDIQ Contract	Contract Number	Task Order Name	Description	Period of Performance	Negotiated Contract Amount for FY 2020
HHSM-500-2017-00060I	75FCMC20F0003	Patient-Reported Outcome Measures to Digital PRO Performance Measures	Identify the attributes of high quality patient-reported outcome measures (PROMs) and create step-by-step guidance for using these PROMs as the foundation for developing digital patient-reported outcome performance measures (PRO-PMs).	September 1, 2020 - November 30, 2021 (Base Year)	$774,625
HHSM-500-2017-00060I	75FCMC18F0009	Core Quality Measures Collaborative	Identify and align high value, high-impact, evidence-based measures across public and private payers that promote better patient outcomes and provide useful information for improvement, decision making, and payment.	September 14, 2020 - September 13, 2021 (Option Year 2)	$264,013
HHSM-500-2017-00060I	75FCMC20F0004	Leveraging Electronic Health Record-Sourced Measures	Identify the causes, nature, and extent of EHR data quality issues and recommend best practices for addressing these issues to increase scientific acceptability (i.e., reliability, validity), use and usability, and feasibility of eCQMs.	September 25, 2020 - September 24, 2021 (Base Year)	$774,999
HHSM-500-2017-00060I	HHSM-500-T0001	Consensus-Based Endorsement and Maintenance of Performance Measures	Endorsement and maintenance of endorsement of standardized healthcare performance measures	September 27,2020 - September 26, 2021 (Option Year 3)	$9,956,081
HHSM-500-2017-00060I	HHSM-500-T0002	Annual Report to Congress	Report to Congress and the Secretary that highlights the implementation of quality and efficiency measurement initiatives under the Social Security Act	September 27, 2020 - September 26, 2021 (Option Year 3)	$133,543

IDIQ Contract	Contract Number	Task Order Name	Description	Period of Performance	Negotiated Contract Amount for FY 2020
HHSM-500-2017-00060I	75FCMC20F0005	Attribution for Critical Illness and Injury	Develop recommendations for developing geographical/population-based attribution models applicable to quality measurement of high-acuity emergency care sensitive conditions (ECSCs).	September 28, 2020 - September 27, 2021 (Base Year)	$780,472
HHSM-500-2017-00060I	75FCMC19F0007	Leveraging Quality Measurement to Improve Rural Health	Develop a measurement framework linking quality of care delivered by telehealth, healthcare system readiness, and health outcomes in a disaster.	September 6, 2020 - July 5, 2021 (Option Year 1)	$486,058
TOTAL Negotiated Contract Value					$ 16,734,053

2. NQF Financial Information for FY 2020 *(unaudited)*

Contributions and Grants	20,882,064
Program Service Revenue	325,000
Investment Income	277,013
Other Revenue	397,016
TOTAL REVENUE	**$21,881,093**
Grants and Similar Amounts Paid	---
Benefits Paid to or for Members	---
Salaries, Other Compensation, Employee Benefits	11,620,015
Other Expenses[1]	7,666,433
TOTAL EXPENSES	**$19,286,448**

Appendix B: Multistakeholder Group Rosters: Committee, Workgroups, Task Forces, and Advisory Panels

NQF ensures there is broad representation from the healthcare sector across all its convened committees, workgroups, task forces, and advisory panels. As a consensus-based entity, all multistakeholder representatives must undergo a disclosure of interest process prior to being appointed. This allows for a fair, open, and transparent process. During this time, NQF did not identify any known conflicts of interest that would undermine the objectivity of the deliberations mentioned above.

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Appendix D: MAP Measure Selection Criteria

MAP uses its Measure Selection Criteria (MSC) to guide its review of measures under consideration. The MSC are intended to assist MAP with identifying characteristics that are associated with ideal measure sets used for public reporting and payment programs. The MSC are not absolute rules; rather, they are meant to provide general guidance on measure selection decisions and to complement program-specific statutory and regulatory requirements. The central focus should be on the selection of high quality measures that optimally address health system improvement priorities, fill critical measurement gaps, and increase alignment. Although competing priorities often need to be weighed against one another, the MSC can be used as a reference when evaluating the relative strengths and weaknesses of a program measure set, and how the addition of an individual measure would contribute to the set. The MSC have evolved over time to reflect the input of a wide variety of stakeholders.

To determine whether a measure should be considered for a specified program, MAP evaluates the measures under consideration against the MSC. Additionally, the MSC serve as the basis for the preliminary analysis algorithm. MAP members are expected to familiarize themselves with the criteria and use them to indicate their support for a measure under consideration.

1. NQF-endorsed measures are required for program measure sets, unless no relevant endorsed measures are available to achieve a critical program objective.

Demonstrated by a program measure set that contains measures that meet the NQF endorsement criteria, including importance to measure and report, scientific acceptability of measure properties, feasibility, usability and use, and harmonization of competing and related measures

- ***Sub-criterion 1.1*** *Measures that are not NQF-endorsed should be submitted for endorsement if selected to meet a specific program need.*
- ***Sub-criterion 1.2*** *Measures that have had endorsement removed or have been submitted for endorsement and were not endorsed should be removed from programs.*
- ***Sub-criterion 1.3*** *Measures that are in reserve status (i.e., topped out) should be considered for removal from programs.*

2. Program measure set actively promotes key healthcare improvement priorities, such as those highlighted in CMS' "Meaningful Measures" Framework.

Demonstrated by a program measure set that promotes improvement in key national healthcare priorities, such as CMS' Meaningful Measures Framework

Other potential considerations include addressing emerging public health concerns and ensuring that the set addresses key improvement priorities for all providers.

3. Program measure set is responsive to specific program goals and requirements.

Demonstrated by a program measure set that is "fit for purpose" for the particular program

- ***Sub-criterion 3.1*** *Program measure set includes measures that are applicable to and appropriately tested for the program's intended care setting(s), level(s) of analysis, and population(s).*
- ***Sub-criterion 3.2*** *Measure sets for public reporting programs should be meaningful for*

consumers and purchasers.

Sub-criterion 3.3 *Measure sets for payment incentive programs should contain measures for which there is broad experience demonstrating usability and usefulness (Note: For some Medicare payment programs, statute requires that measures must first be implemented in a public reporting program for a designated period).*

Sub-criterion 3.4 *Avoid selection of measures that are likely to create significant adverse consequences when used in a specific program.*

Sub-criterion 3.5 *Emphasize inclusion of endorsed measures that have eCQM specifications available.*

4. Program measure set includes an appropriate mix of measure types.

Demonstrated by a program measure set that includes an appropriate mix of process, outcome, experience of care, cost/resource use/appropriateness, composite, and structural measures necessary for the specific program

Sub-criterion 4.1 *In general, preference should be given to measure types that address specific program needs.*

Sub-criterion 4.2 *Public reporting of program measure sets should emphasize outcomes that matter to patients, including patient- and caregiver-reported outcomes.*

Sub-criterion 4.3 *Payment program measure sets should include outcome measures and cost measures to capture value.*

5. Program measure set enables measurement of person- and family-centered care and services.

Demonstrated by a program measure set that addresses access, choice, self-determination, and community integration

Sub-criterion 5.1 *Measure set addresses patient/family/caregiver experience, including aspects of communication and care coordination.*

Sub-criterion 5.2 *Measure set addresses shared decision making, such as for care and service planning and establishing advance directives.*

Sub-criterion 5.3 *Measure set enables assessment of the person's care and services across providers, settings, and time.*

6. Program measure set includes considerations for healthcare disparities and cultural competency.

Demonstrated by a program measure set that promotes equitable access and treatment by considering healthcare disparities. Factors include addressing race, ethnicity, socioeconomic status, language, gender, sexual orientation, age, or geographical considerations (e.g., urban vs. rural). Program measure set can also address populations at risk for healthcare disparities (e.g., people with behavioral/mental illness).

Sub-criterion 6.1 *Program measure set includes measures that directly assess healthcare disparities (e.g., interpreter services).*

Sub-criterion 6.2 *Program measure set includes measures that are sensitive to disparities measurement (e.g., beta blocker treatment after a heart attack), and that*

facilitate stratification of results to better understand differences among vulnerable populations.

7. Program measure set promotes parsimony and alignment.

Demonstrated by a program measure set that supports efficient use of resources for data collection and reporting and supports alignment across programs. The program measure set should balance the degree of effort associated with measurement and its opportunity to improve quality.

Sub-criterion 7.1	*Program measure set demonstrates efficiency (i.e., minimum number of measures and the least burdensome measures that achieve program goals).*
Sub-criterion 7.2	*Program measure set places strong emphasis on measures that can be used across multiple programs or applications.*

Appendix E: MAP Structure, Members, Criteria for Service, and Rosters

MAP operates through a two-tiered structure. Guided by the priorities and goals of HHS' National Quality Strategy, the MAP Coordinating Committee provides direction and direct input to HHS. MAP's workgroups advise the Coordinating Committee on measures needed for specific care settings, care providers, and patient populations. Time-limited task forces consider more focused topics, such as developing "families of measures"—related measures that cross settings and populations—and provide further information to the MAP Coordinating Committee and workgroups. Each multistakeholder group includes individuals with content expertise and organizations particularly affected by the work.
MAP's members are selected based on NQF's Board-adopted selection criteria through an annual nominations process and an open public commenting period. Balance among stakeholder groups is paramount. Due to the complexity of MAP's tasks, individual subject matter experts are included in the groups. Federal government ex officio members are non-voting because federal officials cannot advise themselves. MAP members serve staggered three-year terms.

MAP Coordinating Committee

Committee Co-Chairs (voting)
Bruce Hall, MD, PhD
BJC HealthCare
Charles Kahn, III, MPH
Federation of American Hospitals
Organizational Members (voting)
America's Health Insurance Plans
American College of Physicians
American Health Care Association
American Hospital Association
American Medical Association
American Nurses Association
Health Care Service Corporation
Humana
The Joint Commission
The Leapfrog Group
Medicare Rights Center
National Business Group on Health
National Committee for Quality Assurance
National Patient Advocate Foundation
Network for Regional Healthcare Improvement
Pacific Business Group on Health
Patient & Family Centered Care Partners
Individual Subject Matter Experts (voting)
Harold Pincus, MD
Jeff Schiff, MD, MBA
Ron Walters, MD, MBA, MHA
Federal Government Liaisons (non-voting)
Agency for Healthcare Research and Quality (AHRQ)
Centers for Disease Control and Prevention (CDC)
Centers for Medicare & Medicaid Services (CMS)
Office of the National Coordinator for Health Information Technology (ONC)

MAP Rural Health Workgroup Members

Committee Co-Chairs (voting)
Aaron Garman, MD
Coal Country Community Health Center
Ira Moscovice, PhD
University of Minnesota School of Public Health
Organizational Members (voting)
Alliant Health Solutions
American Academy of Family Physicians (AAFP)
American Academy of Physician Assistants (AAPA)
American College of Emergency Physicians (ACEP)
American Hospital Association (AHA)
American Society of Health-System Pharmacists (ASHP)
Cardinal Innovations
Geisinger Health
Intermountain Healthcare
Michigan Center for Rural Health
Minnesota Community Measurement
National Association of Rural Health Clinics (NARHC)
National Rural Health Association (NRHA)
National Rural Letter Carriers' Association (NRLCA)
RUPRI Center for Rural Health Policy Analysis
Rural Wisconsin Health Cooperative (RWHC)
Truven Health Analytics LLC/IBM Watson Health Company
Individual Subject Matter Experts (voting)
Michael Fadden, MD
John Gale, MS
Curtis Lowery, MD
Melinda Murphy, RN, MS
Jessica Schumacher, PhD
Ana Verzone, MS, APRN, FNP, CNM
Holly Wolff, MHA
Federal Government Liaisons (non-voting)
Federal Office of Rural Health Policy, DHHS/HRSA
Center for Medicare and Medicaid Innovation, Centers for Medicare & Medicaid Services (CMS)
Indian Health Services, DHH

MAP Clinician Workgroup Members

Committee Co-Chairs (voting)
Bruce Bagley, MD
Organizational Members (voting)
The Alliance
America's Physician Groups
American Academy of Family Physicians
American Academy of Pediatrics
American Association of Nurse Practitioners
American College of Cardiology
American College of Radiology
American Occupational Therapy Association
Anthem
Atrium Health
Consumers' Checkbook/Center for the Study of Services
Council of Medical Specialty Societies
Genentech
HealthPartners, Inc.
Kaiser Permanente

Louise Batz Patient Safety Foundation
Magellan Health, Inc.
National Association of ACOs (NAACOS)
Pacific Business Group on Health
Patient-Centered Primary Care Collaborative
Patient Safety Action Network
St. Louis Area Business Health Coalition
Individual Subject Matter Experts (voting)
Nishant "Shaun" Anand
William Fleischman
Stephanie Fry
Federal Government Liaisons (non-voting)
Centers for Disease Control and Prevention (CDC)
Centers for Medicare & Medicaid Services (CMS)
Health Resources and Services Administration (HRSA)

MAP Hospital Workgroup Members

Committee Co-Chairs (voting)
R. Sean Morrison
National Coalition for Hospice and Palliative Care
Cristie Upshaw Travis, MSHHA
Memphis Business Group on Health
Organizational Members (voting)
America's Essential Hospitals
American Association of Kidney Patients
American Case Management Association
American Society of Anesthesiologists
American Hospital Association
Association of American Medical Colleges
City of Hope
Dialysis Patient Citizens
Greater New York Hospital Association
Henry Ford Health Systems
Intermountain Healthcare
Medtronic-Minimally Invasive Therapy Group
Molina Healthcare
Mothers Against Medical Error
National Association for Behavioral Healthcare (formerly National Association of Psychiatric Health Systems)
Pharmacy Quality Alliance
Premier, Inc.
Press Ganey
Project Patient Care
Service Employees International Union
Society for Maternal-Fetal Medicine
UPMC Health Plan
Individual Subject Matter Experts (voting)
Andreea Balan-Cohen, PhD
Lindsey Wisham
Federal Government Liaisons (non-voting)
Agency for Healthcare Research and Quality (AHRQ)
Centers for Disease Control and Prevention (CDC)
Centers for Medicare & Medicaid Services (CMS)

MAP Post-Acute Care/Long-Term Care Workgroup

Committee Co-Chairs (voting)
Gerri Lamb, PhD
Arizona State University
Kurt Merkelz, MD
Compassus
Organizational Members (voting)
AMDA – The Society for Post-Acute and Long-Term Care Medicine
American Academy of Physical Medicine and Rehabilitation (AAPM&R)
American Geriatrics Society
American Occupational Therapy Association
American Physical Therapy Association
Centene Corporation
Kindred Healthcare
Legal Counsel for the Elderly
National Hospice and Palliative Care Organization
National Pressure Ulcer Advisory Panel
National Transitions of Care Coalition
Visiting Nurse Associations of America
Individual Subject Matter Experts (voting)
Sarah Livesay, DNP, RN, ACNP-BC, CNS-BC
Rikki Mangrum, MLS
Paul Mulhausen, MD
Eugene Nuccio, PhD
Ashish Trivedi, PharmD
Federal Government Liaisons (non-voting)
Center for Disease Control and Prevention (CDC)
Centers for Medicare & Medicaid Services (CMS)
Office of the National Coordinator for Health Information Technology (ONC)

Appendix F: Federal Quality Reporting and Performance-Based Payment Programs Considered by MAP

1. Ambulatory Surgical Center Quality Reporting Program

2. End-Stage Renal Disease Quality Improvement Program

3. Home Health Quality Reporting Program

4. Hospice Quality Reporting Program

5. Hospital-Acquired Condition Reduction Program

6. Hospital Inpatient Quality Reporting Program and Medicare and Medicaid Promoting Interoperability Program for Eligible Hospitals and Critical Access Hospitals

7. Hospital Outpatient Quality Reporting Program

8. Hospital Readmissions Reduction Program

9. Hospital Value-Based Purchasing Program

10. Inpatient Psychiatric Facility Quality Reporting Program

11. Inpatient Rehabilitation Facility Quality Reporting Program

12. Long-Term Care Hospital Quality Reporting Program

13. Medicare Shared Savings Program

14. Merit-Based Incentive Payment System

15. Prospective Payment System Exempt Cancer Hospital Quality Reporting

16. Skilled Nursing Facility Quality Reporting Program

17. Skilled Nursing Facility Value-Based Purchasing Program

Appendix G: Identified Gaps by NQF Measure Portfolio

The identification of measure gaps within the NQF topic areas is a process that allows Standing Committees to brainstorm and identify where high value measures are too few or nonexistent to drive improvement. The measurement gaps identified across all portfolios are shared below:

- Measures that focus on disparities and social determinants of health (e.g., adequate housing, employment, and transportation)
- Measures focused on care coordination across the life span
- Measures focused on the pediatric population and neurological conditions (e.g., stroke performance and care, emergency response, long-term functional outcomes, services utilization on a community level, post-acute care, and rehabilitation)
- Measures focused on the consideration of physical and occupational therapy as it relates to neurological conditions
- Measures focused on perinatal and women's health (e.g., intimate partner violence, postpartum depression, and caregiver burden)
- Measures that focus on provider "burnout", including those tied to payer-managed care (e.g., prior authorization, treatment limits)
- Measures that focus on care integration between mental health, substance use disorders, and physical health (e.g., primary care)

Appendix H: Medicare Measure Gaps Identified by NQF's Measure Applications Partnership

MAP Clinician Workgroup

Within the Merit-Based Incentive Payment System (MIPS) measure set, MAP identified several gaps, specifically in the areas of primary care, access, continuity, comprehension, and care coordination. MAP also suggested that CMS consider adding measures that determine whether a course of therapy is indeed the best for the patient to optimize reductions in cost and harm. MAP also emphasized measures of diagnostic accuracy and primary care PROMs.

MAP identified several measure gaps within the Shared Savings Program: diagnostic efficiency, measures of cultural change, and additional measures of care coordination and handoffs using eCQMs.

MAP discussed measure gaps associated with the Medicare Part C and D Star Ratings and suggested that CMS add measures of access to provider networks, PROMs related to functional status, and care coordination within care transitions. MAP expressed concern that the medication adherence measures do not capture rational non-adherence and patient preference, and also suggested the removal of older process measures, such as diabetes screening, in favor of measures that beneficiaries might find more useful when selecting a plan, such as out-of-pocket cost. MAP also suggested the inclusion of telehealth into existing measures.

MAP Hospital Workgroup

In consideration of measure gaps, MAP noted that all of the End-Stage Renal Disease (ESRD) Quality Improvement Program (QIP) patient experience measures are composites, and MAP suggested that In-Center Hemodialysis (ICH) CAHPS questions could be broken out and reported separately. MAP also called on CMS to consider how to include more specific patient safety measures beyond the generic question included in CAHPS as well as functional status and quality of life measures, especially given the slated changes in payment policy related to dialysis coverage through Medicare Advantage.

MAP suggested the Hospital Inpatient Quality Reporting (IQR) program would benefit from additional care transitions measures as well as enhanced measures of preventable healthcare harm, such as the PSI 90 composite (NQF #0531). MAP encouraged the development of Medicare spending per beneficiary measures for conditions that align with CMS mortality and readmission measures. MAP also stressed that the program would benefit from additional patient safety measures as well as measures on engagement of patients and families and transfer of information across care settings.

MAP suggested that CMS identify measurement priorities for patient populations within units for inpatient psychiatric facilities, specifically geriatric units for Inpatient Psychiatric Facility Quality Reporting (IPFQR).

MAP noted a gap in measures within Prospective Payment System Exempt Cancer Hospital Quality Reporting (PCHQR) regarding PROs for functional outcomes and quality of life, access to care, and survival. It was also noted that measures are needed to ensure smooth transitions between care settings, especially hospice. MAP also noted the need for measures that encourage the move from standardized approaches within cancer care to increased adoption of personalized medicine and pharmacogenomic testing. MAP encouraged CMS to continue partnerships with existing cancer registries to gather data for future measurement.

MAP did not evaluate any measures for Ambulatory Surgical Center Quality Reporting (ASCQR) during this MAP cycle, but they suggested infection-related measures, metrics that establish the quality and safety of procedures within ambulatory surgery centers previously done in hospital inpatient and outpatient settings, medication safety measures with an emphasis on opioid prescribing and stewardship, and measures of PROs with an emphasis on functional status.

There were no measures for consideration for the MAP during this cycle for the Hospital Acquired Condition (HAC) program. MAP did not identify any specific measure gaps but included comments related to the risk adjustment model for the HAC quality measure. Specifically, MAP noted concern that the risk adjustment model may unfairly penalize hospitals that have more reliable results by using the national average to impute the hospital score for those with smaller case volume. It was also mentioned that a naloxone prescription is not always an indicator that there has been harm but may be appropriate for prescribing.

The 2019 MUC list did not contain any potential Hospital Readmissions Reduction Program (HRRP) measures for MAP to review. In the discussion of gaps for this measure set, MAP suggested evaluating seven-day readmission rates rather than 30-day rates. MAP suggested that there was an issue with attribution, namely that 30-day measures may not solely reflect the performance of the hospital, but a combination of hospital and community care. MAP noted that some of the measures have been in the program for a long time and may have topped out. They called on CMS to examine which measures may have outlived their usefulness. MAP also encouraged CMS to explore the potential interaction between mortality and readmissions, particularly for patients with heart failure.

There were no measures under consideration for Hospital Outpatient Quality Reporting (OQR) this cycle. MAP did not specify any measure gaps for the program during their discussion.

Hospital Value-Based Payment (VBP) had no measures for consideration during this cycle. In MAP dialogue on measure gaps, it was noted that Hospital VBP is a subset of IQR measures. MAP suggested the IQR program would benefit from additional care transitions measures as well as enhanced measures of preventable healthcare harm, such as the PSI-90 composite (NQF #0531). MAP also emphasized making measures more actionable for Hospital VBP, such as by reporting CAHPS scores by unit and by reporting Medicare spending per beneficiary for conditions that match CMS mortality and readmission measures.

MAP PAC/LTC Workgroup

MAP identified potential gaps in the Home Health Quality Reporting Program (HH QRP) measure set. MAP members identified measurement gaps around long-term tracking of activities of daily living and measurement that captures wound care holistically.

In its review of the Hospice Quality Reporting Program measure set, MAP noted a gap in measures addressing safety, particularly around polypharmacy and medication reconciliation; PROs around symptom management; care aligned with the patient's goals; and communication of those goals to the next site of care should the patient leave hospice.

The Inpatient Rehabilitation Facility Quality Reporting Program (IRF QRP) did not have any measures submitted for review during this cycle. MAP noted appropriate clinical prescribing and use of opioids as a potential measurement gap in the IRF QRP measure set.

There were no measures submitted for review for the Long-Term Care Hospital Quality Reporting Program (LTCH QRP) during this cycle. MAP identified the availability of palliative care as a measure gap for LTCH QRP.

While MAP did not have any measures submitted for review for Skilled Nursing Facility Quality Reporting Program (SNF QRP) during this cycle, the group engaged in a robust discussion of measure gaps. MAP identified bidirectional transfer of information, quality and safety of care transitions, patient and family engagement, and care aligned with patients' goals as measure gaps in the program. They noted that the transfer of information should be robust and that measures need to encompass the quality of the information transferred, not just that a transfer took place. They also stressed that accuracy of medication lists and medication reconciliation is a key element in the quality and safety of care transitions.

MAP did not have any measures submitted for review for the Skilled Nursing Facility Value-Based Purchasing (SNF VBP) Program during this cycle. MAP also did not discuss any gaps for the SNF VBP program.

Appendix I: Statutory Requirement of Annual Report Components

As amended by the above laws, the Social Security Act (the Act)—specifically section 1890(b)(5)(A)—mandates that the entity report to Congress and the Secretary of the Department of Health and Human Services (HHS) no later than March 1st of each year.

The report must include descriptions of:

- *how NQF has implemented quality and efficiency measurement initiatives under the Act and coordinated these initiatives with those implemented by other payers;*
- *NQF's recommendations with respect to an integrated national strategy and priorities for healthcare performance measurement in all applicable settings;*
- *NQF's performance of the duties required under its contract with HHS (Appendix A);*
- *gaps in endorsed quality and efficiency measures, including measures that are within priority areas identified by the Secretary under HHS' national strategy, and where quality and efficiency measures are unavailable or inadequate to identify or address such gaps;*
- *areas in which evidence is insufficient to support endorsement of measures in priority areas identified by the National Quality Strategy, and where targeted research may address such gaps;*
- *matters related to convening multistakeholder groups to provide input on: a) the selection of certain quality and efficiency measures, and b) national priorities for improvement in population health and in the delivery of healthcare services for consideration under the National Quality Strategy;.(Throughout This Report, the Relevant Statutory Language Appears in Italicized Text., n.d.)*
- *an itemization of financial information for the fiscal year ending September 30 of the preceding year, including: (I) annual revenues of the entity (including any government funding, private sector contributions, grants, membership revenues, and investment revenue); (II) annual expenses of the entity (including grants paid, benefits paid, salaries or other compensation, fundraising expenses, and overhead costs); and (III) a breakdown of the amount awarded per contracted task order and the specific projects funded in each task order assigned to the entity; and*
- *any updates or modifications of internal policies and procedures of the entity as they relate to the duties of the entity under this section, including: (I) specifically identifying any modifications to the disclosure of interests and conflicts of interests for committees, work groups, task forces, and advisory panels of the entity; and (II) information on external stakeholder participation in the duties of the entity under this section (including complete rosters for all committees, work groups, task forces, and advisory panels funded through government contracts, descriptions of relevant interests and any conflicts of interest for members of all committees, work groups, task forces, and advisory panels, and the total percentage by health care sector of all convened committees, work groups, task forces, and advisory panels.*

[FR Doc. 2021–18485 Filed 8–26–21; 8:45 am]
BILLING CODE 4150–28–C

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning

individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; NIAID Clinical Trial Implementation Cooperative Agreement (U01 Clinical Trial Required); Investigator Initiated Extended Clinical Trial (R01 Clinical Trial Required).

Date: September 27, 2021.

Time: 11:45 a.m. to 3:45 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3G56, Rockville, MD 20892 (Virtual Meeting).

Contact Person: Poonam Tewary, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3G56, Rockville, MD 20852, (301) 761–7219, *tewaryp@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: August 23, 2021.

Tyeshia Roberson-Curtis,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–18501 Filed 8–26–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Advancing Translational Sciences; Notice of Closed 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 cooperative agreement applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Center for Advancing Translational Sciences Special Emphasis Panel; RFA–TR–21–009: Screening for Conditions by Electronic Nose Technology (SCENT).

Date: September 28, 2021.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate cooperative agreement applications.

Place: National Center for Advancing Translational Sciences, National Institutes of Health, 6701 Democracy Boulevard, Room 1078, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Rahat (Rani) Khan, Ph.D., Scientific Review Officer, Office of Grants Management and Scientific Review, National Center for Advancing Translational Sciences, National Institutes of Health, 6701 Democracy Boulevard, Room 1078, Bethesda, MD 20892, 301–894–7319, *khanr2@csr.nih.gov*.

Name of Committee: National Center for Advancing Translational Sciences Special Emphasis Panel; National Center for Advancing Translational Sciences Special Emphasis Panel.

Date: September 30, 2021

Time: 11:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate cooperative agreement applications.

Place: National Center for Advancing Translational Sciences, National Institutes of Health, 6701 Democracy Boulevard, Room 1078, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Alumit Ishai, Ph.D., Scientific Review Officer, Office of Grants Management and Scientific Review, National Center for Advancing Translational Sciences, National Institutes of Health, 6701 Democracy Boulevard, Suite 1000, Bethesda, MD 20892, 301–827–5819, *alumit.ishai@nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.350, B—Cooperative Agreements; 93.859, Biomedical Research and Research Training, National Institutes of Health, HHS)

Dated: August 23, 2021.

David W. Freeman,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–18505 Filed 8–26–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Neurological Sciences Training Initial Review Group; NST–1 Study Section.

Date: September 20–21, 2021.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852, (Virtual Meeting).

Contact Person: William C. Benzing, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Research, NINDS, NIH, NSC, 6001 Executive Blvd., Suite 3204, MSC 9529, Bethesda, MD 20892–9529, (301) 496–0660, *benzingw@mail.nih.gov*.

Name of Committee: National Institute of Neurological Disorders and Stroke Special Emphasis Panel; NIH BRAIN Initiative Advanced Postdoctoral Career Transition Award to Promote Diversity (K99/R00).

Date: September 23, 2021.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852, (Virtual Meeting).

Contact Person: Lataisia Cherie Jones, Ph.D., Scientific Review Officer, NINDS, Scientific Review Branch, 6001 Executive Blvd., Suite 3208, Rockville, MD 20852, 301–496–9223, *lataisia.jones@nih.gov.*

Name of Committee: National Institute of Neurological Disorders and Stroke Special Emphasis Panel; HEAL Initiative: Pain Therapeutics Development [Small Molecules and Biologics].

Date: September 27, 2021.

Time: 10:00 a.m. to 3:00 p.m..

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852, (Virtual Meeting).

Contact Person: Shanta Rajaram, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Activities, NINDS/NIH, NSC, 6001 Executive Blvd., Suite 3208, MSC 9529, Bethesda, MD 20892, (301) 435–6033, *rajarams@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.853, Clinical Research Related to Neurological Disorders; 93.854, Biological Basis Research in the Neurosciences, National Institutes of Health, HHS)

Dated: August 23, 2021.

Tyeshia M. Roberson-Curtis,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–18508 Filed 8–26–21; 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: Cell Biology Integrated Review Group; Cellular Signaling and Regulatory Systems Study Section.

Date: September 27–28, 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: David Balasundaram, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5189, MSC 7840, Bethesda, MD 20892, 301–435–1022, *balasundaramd@csr.nih.gov*.

Name of Committee: Cardiovascular and Respiratory Sciences Integrated Review Group; Lung Cellular, Molecular, and Immunobiology Study Section.

Date: September 28–29, 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: George M. Barnas, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2180, MSC 7818, Bethesda, MD 20892, 301–435–0696, *barnasg@csr.nih.gov*.

Name of Committee: Brain Disorders and Clinical Neuroscience Integrated Review Group; Pathophysiological Basis of Mental Disorders and Addictions Study Section.

Date: September 29–30, 2021.

Time: 10:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Boris P. Sokolov, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5217A, MSC 7846, Bethesda, MD 20892, 301–408–9115, *bsokolov@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 23, 2021.

Tyeshia M. Roberson-Curtis,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–18491 Filed 8–26–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; NIAID Resource Related Research Projects (R24 Clinical Trial Not Allowed).

Date: September 22, 2021.

Time: 11:00 a.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3G41B Rockville, MD 20892 (Virtual Meeting).

Contact Person: Zhuqing (Charlie) Li, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3G41B, Rockville, MD 20852, (240) 669–5068, *zhuqing.li@nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: August 23, 2021.

Tyeshia M. Roberson-Curtis,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–18492 Filed 8–26–21; 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: Biological Chemistry and Macromolecular Biophysics Integrated Review Group; Synthetic and Biological Chemistry A Study Section.

Date: September 29–30, 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: Anita Szajek, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4187, Bethesda, MD 20892, 301–827–6276, *anita.szajek@nih.gov*.

Name of Committee: Biological Chemistry and Macromolecular Biophysics Integrated Review Group; Biochemistry and Biophysics of Membranes Study Section.

Date: September 30–October 1, 2021.

Time: 10:00 a.m. to 8:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Nuria E Assa-Munt, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4164, MSC 7806, Bethesda, MD 20892, (301) 451–1323, *assamunu@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 23, 2021.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–18451 Filed 8–26–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Initial Review Group; Digestive Diseases and Nutrition C Study Section, Digestive Diseases and Nutrition DDK–C Subcommittee.

Date: October 21–22, 2021.

Time: 9:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 (Video Meeting).

Contact Person: Maria E. Davila-Bloom, Ph.D., Scientific Review Officer, Review Branch, Division of Extramural Activities, NIDDK, National Institutes of Health, Room 7017, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–7637, *davila-bloomm@extra.niddk.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: August 23, 2021.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–18452 Filed 8–26–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; NIAID Resource Related Research Projects (R24 Clinical Trial Not Allowed).

Date: September 22, 2021.

Time: 1:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3G42B, Rockville, MD 20892 (Virtual Meeting).

Contact Person: Louis A. Rosenthal, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3G42B, Rockville, MD 20852, (240) 669–5070, *rosenthalla@niaid.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: August 23, 2021.

Tyeshia Roberson-Curtis,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–18493 Filed 8–26–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Biomedical Imaging and Bioengineering; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the National Institute of Biomedical Imaging and Bioengineering Special Emphasis Panel.

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 Biomedical Imaging and Bioengineering Special Emphasis Panel; Team-Based Design in Biomedical Engineering Education (R25) Review SEP.

Date: September 23, 2021.

Time: 09:00 a.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Democracy II, 6707 Democracy Blvd., Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Ruixia Zhou, Ph.D., Scientific Review Officer, National Institute of Biomedical Imaging and Bioengineering, National Institutes of Health, 6707 Democracy Blvd., Suite 957, Bethesda, MD 20892, (301) 496–4773, *zhour@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, National Institute of Biomedical Imaging and Bioengineering, National Institutes of Health, HHS)

Dated: August 23, 2021.

David W Freeman,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–18506 Filed 8–26–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the Board of Scientific Counselors, National Institute of Mental Health.

The meeting will be closed to the public as indicated below in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended for the review, discussion, and evaluation of individual intramural programs and projects conducted by the National Institute of Mental Health, including consideration of personnel qualifications and performance, and the competence of individual investigators,

the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Board of Scientific Counselors, National Institute of Mental Health.

Date: September 28–30, 2021.

Time: September 28, 2021, 11:00 a.m. to 6:40 p.m.

Agenda: To review and evaluate personnel qualifications and performance, and competence of individual investigators.

Place: Porter Neuroscience Research Center Building 35A, 35, Convent Drive, Bethesda, MD 20892 (Virtual Meeting).

Time: September 29, 2021, 11:00 a.m. to 6:45 p.m.

Agenda: To review and evaluate personnel qualifications and performance, and competence of individual investigators.

Place: Porter Neuroscience Research Center, Building 35A, 35 Convent Drive, Bethesda, MD 20892 (Virtual Meeting).

Time: September 30, 2021, 10:45 a.m. to 4:15 p.m.

Agenda: To review and evaluate personnel qualifications and performance, and competence of individual investigators.

Place: Porter Neuroscience Research Center Building 35A, 35 Convent Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Jennifer E. Mehren, Ph.D., Scientific Advisor, Division of Intramural Research Programs, National Institute of Mental Health, NIH, 35A Convent Drive, Room GE 412, Bethesda, MD 20892–3747, 301–496–3501, *mehrenj@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.242, Mental Health Research Grants, National Institutes of Health, HHS)

Dated: August 23, 2021.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–18507 Filed 8–26–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2021–0630]

Information Collection Request to Office of Management and Budget; OMB Control Number: 1625–0088

AGENCY: Coast Guard, DHS.

ACTION: Sixty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the U.S. Coast Guard intends to submit an Information Collection Request (ICR) to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting an extension of its approval for the following collection of information: 1625–0088, Voyage Planning for Tank Barge Transits in the Northeast United States; without change. Our ICR describes the information we seek to collect from the public. Before submitting this ICR to OIRA, the Coast Guard is inviting comments as described below.

DATES: Comments must reach the Coast Guard on or before October 26, 2021.

ADDRESSES: You may submit comments identified by Coast Guard docket number [USCG–2021–0630] to the Coast Guard using the Federal eRulemaking Portal at *https://www.regulations.gov.* See the ''Public participation and request for comments'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

A copy of the ICR is available through the docket on the internet at *https://www.regulations.gov.* Additionally, copies are available from: Commandant (CG–6P), Attn: Paperwork Reduction Act Manager, U.S. Coast Guard, 2703 Martin Luther King Jr. Ave. SE, STOP 7710, Washington, DC 20593–7710.

FOR FURTHER INFORMATION CONTACT: A.L. Craig, Office of Privacy Management, telephone 202–475–3528, or fax 202–372–8405, for questions on these documents.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

This notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection.

The Coast Guard invites comments on whether this ICR should be granted based on the Collection being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the Collection; (2) the accuracy of the estimated burden of the Collection; (3) ways to enhance the quality, utility, and clarity of information subject to the Collection; and (4) ways to minimize the burden of the Collection on respondents, including the use of automated collection techniques or other forms of information technology.

In response to your comments, we may revise this ICR or decide not to seek an extension of approval for the Collection. We will consider all comments and material received during the comment period.

We encourage you to respond to this request by submitting comments and related materials. Comments must contain the OMB Control Number of the ICR and the docket number of this request, [USCG–2021–0630], and must be received by October 26, 2021.

Submitting Comments

We encourage you to submit comments through the Federal eRulemaking Portal at *https://www.regulations.gov.* If your material cannot be submitted using *https://www.regulations.gov,* contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions. Documents mentioned in this notice, and all public comments, are in our online docket at *https://www.regulations.gov* and can be viewed by following that website's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted.

We accept anonymous comments. All comments received will be posted without change to *https://www.regulations.gov* and will include any personal information you have provided. For more about privacy and submissions in response to this document, see DHS's eRulemaking System of Records notice (85 FR 14226, March 11, 2020).

Information Collection Request

Title: Voyage Planning for Tank Barge Transits in the Northeast United States.

OMB Control Number: 1625–0088.

Summary: The information collection requirement for a voyage plan serves as a preventive measure and assists in ensuring the successful execution and completion of a voyage in the First Coast Guard District. This rule (33 CFR 165.100) applies to primary towing vessels engaged in towing tank barges carrying petroleum oil in bulk as cargo.

Need: Section 311 of the Coast Guard Authorization Act of 1998, Public Law 105–383, 46 U.S. Code 70034 (previously 33 U.S.C. 1231) authorizes the Coast Guard to promulgate regulations for towing vessel and barge safety for the waters of the Northeast subject to the jurisdiction of the First Coast Guard District. This regulation is contained in 33 CFR 165.100. The information for a voyage plan will provide a mechanism for assisting vessels towing tank barges to identify

those specific risks, potential equipment failures, or human errors that may lead to accidents.

Forms: None.

Respondents: Owners and operators of towing vessels.

Frequency: On occasion.

Hour Burden Estimate: The estimated burden of 937 hours a year remains unchanged.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended.

Dated: August 24, 2021.

Kathleen Claffie,

Chief, Office of Privacy Management, U.S. Coast Guard.

[FR Doc. 2021–18537 Filed 8–26–21; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2021–0002; Internal Agency Docket No. FEMA–B–2161]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: This notice lists communities where the addition or modification of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or the regulatory floodway (hereinafter referred to as flood hazard determinations), as shown on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports, prepared by the Federal Emergency Management Agency (FEMA) for each community, is appropriate because of new scientific or technical data. The FIRM, and where applicable, portions of the FIS report, have been revised to reflect these flood hazard determinations through issuance of a Letter of Map Revision (LOMR), in accordance with Federal Regulations. The LOMR will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings. For rating purposes, the currently effective community number is shown in the table below and must be used for all new policies and renewals.

DATES: These flood hazard determinations will be finalized on the dates listed in the table below and revise the FIRM panels and FIS report in effect prior to this determination for the listed communities.

From the date of the second publication of notification of these changes in a newspaper of local circulation, any person has 90 days in which to request through the community that the Deputy Associate Administrator for Insurance and Mitigation reconsider the changes. The flood hazard determination information may be changed during the 90-day period.

ADDRESSES: The affected communities are listed in the table below. Revised flood hazard information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

Submit comments and/or appeals to the Chief Executive Officer of the community as listed in the table below.

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Mapping and Insurance eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The specific flood hazard determinations are not described for each community in this notice. However, the online location and local community map repository address where the flood hazard determination information is available for inspection is provided.

Any request for reconsideration of flood hazard determinations must be submitted to the Chief Executive Officer of the community as listed in the table below.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. The flood hazard determinations are in accordance with 44 CFR 65.4.

The affected communities are listed in the following table. Flood hazard determination information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Michael M. Grimm,

Assistant Administrator for Risk Management, Department of Homeland Security, Federal Emergency Management Agency.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Colorado: Denver ..	City and County of Denver, (21–08–0769X).	The Honorable Michael B. Hancock, Mayor, City and County of Denver, 1437 Bannock Street, Room 350, Denver, CO 80202.	Department of Public Works, 201 West Colfax Avenue, Denver, CO 80202.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 3, 2021	080046

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Connecticut: Middlesex.	Town of Clinton, (21–01–0179P).	Mr. Karl Kilduff, Manager, Town of Clinton, 54 East Main Street, Clinton, CT 06413.	Planning and Zoning Department, 54 East Main Street, Clinton, CT 06413.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 12, 2021	090061
Florida:						
Alachua	City of Gainesville, (21–04–1261P).	The Honorable Lauren Poe, Mayor, City of Gainesville, 200 East University Avenue, Gainesville, FL 32601.	City Hall, 200 East University Avenue, Gainesville, FL 32601.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 1, 2021	125107
Alachua	Unincorporated areas of Alachua County, (21–04–1261P).	Ms. Michele L. Lieberman, Manager, Alachua County, 12 South East 1st Street, Gainesville, FL 32601.	Alachua County Public Works Department, 5620 Northwest 120th Lane, Gainesville, FL 32653.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 1, 2021	120001
Bay	City of Panama City, (20–04–4646P).	Mr. Mark McQueen, Manager, City of Panama City, 501 Harrison Avenue, Panama City, FL 32401.	City Hall, 501 Harrison Avenue, Panama City, FL 32401.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 10, 2021	120012
Bay	Unincorporated areas of Bay County, (20–04–4646P).	The Honorable Philip "Griff" Griffitts, Chairman, Bay County Board of Commissioners, 840 West 11th Street, Panama City, FL 32401.	Bay County Planning and Zoning Division, 840 West 11th Street, Panama City, FL 32401.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 10, 2021	120004
Collier	City of Naples, (21–04–3345P).	The Honorable Teresa Heitmann, Mayor, City of Naples, 735 8th Street South, Naples, FL 34102.	Building Department, 295 Riverside Circle, Naples, FL 34102.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 29, 2021	125130
Duval	City of Jacksonville, (21–04–0334P).	The Honorable Lenny Curry, Mayor, City of Jacksonville, 117 West Duval Street, Suite 400, Jacksonville, FL 32202.	Development Services Department, 214 North Hogan Street, Jacksonville, FL 32202.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 17, 2021	120077
Hillsborough ...	Unincorporated areas of Hillsborough County, (21–04–0492P).	Ms. Bonnie Wise, Hillsborough County Administrator, 601 East Kennedy Boulevard, 26th Floor, Tampa, FL 33602.	Hillsborough Public Works Department, 601 East Kennedy Boulevard, 22nd Floor, Tampa, FL 33602.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 2, 2021	120112
Lee	Town of Fort Myers Beach, (21–04–3079P).	The Honorable Ray Murphy, Mayor, Town of Fort Myers Beach, 2525 Estero Boulevard, Fort Myers Beach, FL 33931.	Community Development Department, 2525 Estero Boulevard, Fort Myers Beach, FL 33931.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 10, 2021	120673
Polk	Unincorporated areas of Polk County, (21–04–3382P).	Mr. Bill Beasley, Polk County Manager, 330 West Church Street, Bartow, FL 33830.	Polk County Floodplain Department, 330 West Church Street, Bartow, FL 33830.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 9, 2021	120261
Sarasota	Unincorporated areas of Sarasota County, (21–04–3524P).	The Honorable Alan Maio, Chairman, Sarasota County Board of Commissioners, 1660 Ringling Boulevard, Sarasota, FL 34236.	Sarasota County Planning and Development Services Department, 1001 Sarasota Center Boulevard, Sarasota, FL 34240.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 24, 2021	125144
Seminole	City of Lake Mary, (21–04–1242P).	The Honorable David J. Mealor, Mayor, City of Lake Mary, 100 North Country Club Road, Lake Mary, FL 32746.	Public Works Department, 911 Wallace Court, Lake Mary, FL 32746.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 22, 2021	120416
Maine: Aroostook ..	Town of Fort Kent, (21–01–0663P).	Ms. Suzie Paradis, Manager, Town of Fort Kent, 416 West Main Street, Fort Kent, ME 04743.	Town Hall, 416 West Main Street, Fort Kent, ME 04743.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 26, 2021	230019
Maryland: Howard	Unincorporated areas of Howard County, (21–03–0871P).	The Honorable Calvin Ball, Howard County Executive, 3430 Court House Drive, Ellicott City, MD 21043.	Department of Public Works, Bureau of Environmental Services, 9801 Broken Land Parkway, Columbia, MD 21046.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 19, 2021	240044
Massachusetts:						
Bristol	Town of Dartmouth, (21–01–0847P).	Mr. Shawn MacInnes, Town of Dartmouth Administrator, 400 Slocum Road, Dartmouth, MA 02747.	Town Hall, 400 Slocum Road, Dartmouth, MA 02747.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 2, 2021	250051

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Middlesex	City of Waltham, (20–01–1644P).	The Honorable Jeannette A. McCarthy, Mayor, City of Waltham, 610 Main Street, 2nd Floor, Waltham, MA 02452.	City Hall, 610 Main Street, Waltham, MA 02452.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 3, 2021	250222
Middlesex	Town of Belmont, (20–01–1644P).	The Honorable Adam Dash, Chairman, Town of Belmont Select Board, 455 Concord Avenue, 2nd Floor, Belmont, MA 02478.	Community Development Department, 19 Moore Street, Belmont, MA 02478.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 3, 2021	250182
North Dakota:						
Ransom	City of Lisbon, (20–08–0874P).	The Honorable Tim Meyer, Mayor, City of Lisbon, P.O. Box 1079, Lisbon, ND 58054.	City Hall, 423 Main Street, Lisbon, ND 58054.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 16, 2021	380091
Ransom	Unincorporated areas of Ransom County, (20–08–0874P).	The Honorable Norm Hansen, Chairman, Ransom County Board of Commissioners, P.O. Box 668, Lisbon, ND 58054.	Ransom County Courthouse, 204 5th Avenue West, Lisbon, ND 58054.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 16, 2021	380089
Pennsylvania:						
Columbia	Town of Bloomsburg, (21–03–0940P).	The Honorable William Kreisher, Mayor, Town of Bloomsburg, 301 East 2nd Street, Bloomsburg, PA 17815.	Town Hall, 301 East 2nd Street, Bloomsburg, PA 17815.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 24, 2021	420339
Columbia	Township of Catawissa, (21–03–0940P).	The Honorable James Kitchen, Chairman, Township of Catawissa Board of Supervisors, 153 Old Reading Road, Catawissa, PA 17820.	Township Hall, 153 Old Reading Road, Catawissa, PA 17820.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 24, 2021	420342
Cumberland ...	Borough of Mechanicsburg (21–03–0690P).	The Honorable Jack Ritter, Mayor, Borough of Mechanicsburg, 36 West Allen Street, Mechanicsburg, PA 17055.	Borough Hall, 36 West Allen Street, Mechanicsburg, PA 17055.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 3, 2021	420362
Cumberland ...	Township of Upper Allen (21–03–0690P).	The Honorable Kenneth M. Martin, President, Township of Upper Allen Board of Commissioners, 100 Gettysburg Pike, Mechanicsburg, PA 17055.	Township Hall, 100 Gettysburg Pike, Mechanicsburg, PA 17055.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 3, 2021	420372
Texas:						
Angelina	City of Lufkin, (20–06–3596P).	The Honorable Mark Hicks, Mayor, City of Lufkin, 300 East Shepherd Avenue, Lufkin, TX 75901.	Engineering Services Department, 300 East Shepherd Avenue, Lufkin, TX 75901.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 9, 2021	480009
Brazoria and Harris.	City of Pearland (19–06–2864P).	The Honorable Tom Reid, Mayor, City of Pearland, 3519 Liberty Drive, Pearland, TX 77581.	City Hall, 3519 Liberty Drive, Pearland, TX 77581.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 22, 2021	480077
Denton	City of Lewisville, (21–06–1150P).	The Honorable T.J. Gilmore, Mayor, City of Lewisville, P.O. Box 299002, Lewisville, TX 75029.	Engineering Department, 151 West Church Street, Lewisville, TX 75057.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 13, 2021	480195
Harris	City of Houston (19–06–2864P).	The Honorable Sylvester Turner, Mayor, City of Houston, P.O. Box 1562, Houston, TX 77251.	Floodplain Management Department, 1002 Washington Avenue, Houston, TX 77002.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 22, 2021	480296
Harris	Unincorporated areas of Harris County, (19–06–2864P).	The Honorable Lina Hidalgo, Harris County Judge, 1001 Preston Street, Suite 911, Houston, TX 77002.	Harris County Permit Office, 10555 Northwest Freeway, Suite 120, Houston, TX 77092.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 22, 2021	480287
Harris	Unincorporated areas of Harris County, (20–06–0474P).	The Honorable Lina Hidalgo, Harris County Judge, 1001 Preston Street, Suite 911, Houston, TX 77002.	Harris County Permit Office, 10555 Northwest Freeway, Suite 120, Houston, TX 77002.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 22, 2021	480287

[FR Doc. 2021–18545 Filed 8–26–21; 8:45 am]
BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2021–0002; Internal Agency Docket No. FEMA–B–2160]

Proposed Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: Comments are requested on proposed flood hazard determinations, which may include additions or modifications of any Base Flood Elevation (BFE), base flood depth, Special Flood Hazard Area (SFHA) boundary or zone designation, or regulatory floodway on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the preliminary FIRM, and where applicable, the FIS report that the Federal Emergency Management Agency (FEMA) has provided to the affected communities. The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report, once effective, will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings.

DATES: Comments are to be submitted on or before November 26, 2021.

ADDRESSES: The Preliminary FIRM, and where applicable, the FIS report for each community are available for inspection at both the online location *https://hazards.fema.gov/femaportal/prelimdownload* and the respective Community Map Repository address listed in the tables below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

You may submit comments, identified by Docket No. FEMA–B–2160, to Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Mapping and Insurance eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: FEMA proposes to make flood hazard determinations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP and are used to calculate the appropriate flood insurance premium rates for new buildings built after the FIRM and FIS report become effective.

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at *https://www.floodsrp.org/pdfs/srp_overview.pdf.*

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where applicable, FIS report for each community are available for inspection at both the online location *https://hazards.fema.gov/femaportal/prelimdownload* and the respective Community Map Repository address listed in the tables. For communities with multiple ongoing Preliminary studies, the studies can be identified by the unique project number and Preliminary FIRM date listed in the tables. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Michael M. Grimm,

Assistant Administrator for Risk Management, Department of Homeland Security, Federal Emergency Management Agency.

Community	Community map repository address
City of Colonial Heights, Virginia (Independent City) **Project: 16–03–2426S Preliminary Date: February 12, 2021**	
City of Colonial Heights	Department of Planning and Community Development, 201 James Avenue, Colonial Heights, VA 23834.

Community	Community map repository address
Prince George County, Virginia (All Jurisdictions) **Project: 16–03–2426S Preliminary Date: February 26, 2021**	
Unincorporated Areas of Prince George County	Prince George County Planning and Zoning Office, 6602 Courts Drive, 1st Floor, Prince George, VA 23875.

[FR Doc. 2021–18546 Filed 8–26–21; 8:45 am]
BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID: FEMA–2021–0021]

Notice of Public Meeting on the National Flood Insurance Program's Community Rating System

AGENCY: Federal Emergency Management Agency, Department of Homeland Security (DHS).

ACTION: Announcement of open public meetings.

SUMMARY: FEMA will hold three public meetings remotely via web conference to solicit public feedback about the National Flood Insurance Program's (NFIP) Community Rating System (CRS) program. FEMA is issuing this public meeting notice to inform the public that it is seeking input on the NFIP's CRS program for the agency to consider ways to modify, streamline, and/or innovate to improve the program. These efforts aim to help FEMA ensure that the CRS program includes necessary, properly tailored, and up-to-date requirements that effectively achieve the goals of (1) reducing and avoiding flood damage to insurable property, (2) strengthening and supporting the insurance aspects of the NFIP, and (3) encouraging a comprehensive approach to floodplain management.

DATES: Written comments in response to these public meetings may be submitted until 11:59 p.m. Eastern Time (ET) on September 22, 2021. Late-filed comments will be considered to the extent practicable.

FEMA will hold meetings on:

Tuesday, September 7, 2021 from 11:00 a.m. until 1:00 p.m. ET;

Wednesday, September 8, 2021 from 1:00 p.m. until 3:00 p.m. ET; and

Thursday, September 9, 2021 from 2:00 p.m. until 4:00 p.m. ET.

Depending on the number of speakers, the meetings may end before the time indicated, following the last call for comments.

ADDRESSES: The public meetings will be held via web conference. Members of the public may register to attend the meetings online at the following link: *https://cgstrategy.zoom.us/webinar/register/6716294728533/WN_BTf89PgaQhOZL-TonhxNog.*

Reasonable accommodations are available for people with disabilities. To request a reasonable accommodation, contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section below as soon as possible. Last minute requests will be accepted but may not be possible to fulfill. Written comments related to these public meetings must be submitted through the *Federal eRulemaking Portal* at *http://www.regulations.gov/.* Search for FEMA–2021–0021 and follow the instructions for submitting comments. All written comments received, including any personal information provided, may be posted without alteration at *https://www.regulations.gov.* All comments on the request for information made during the meetings will be posted to *https://www.regulations.gov,* Docket ID FEMA–2021–0021.

FOR FURTHER INFORMATION CONTACT: Rachel Sears, Supervisory Emergency Management Specialist, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, *FEMA-CRS-Next@fema.dhs.gov,* 202–212–3800.

SUPPLEMENTARY INFORMATION: The NFIP's CRS program is a voluntary incentive program that recognizes and encourages community floodplain management practices that exceed the minimum requirements of the NFIP for floodplain management. As FEMA undertakes a series of initiatives that will transform the NFIP, the agency is evaluating the CRS program and its potential to support FEMA, State, local, Tribal, and territorial community goals and needs.

FEMA is committed to obtaining public input to drive and focus FEMA's review of the CRS program. Because Federal regulations and policies have broad impacts on society in general, members of the public are likely to have useful information, data, and perspectives on the benefits and burdens of FEMA's existing programs, regulations, information collections, and policies. Accordingly, FEMA is seeking specific public feedback to facilitate the CRS program review and improvement effort in the context of equity for all, include those in underserved communities. With the increasing risk of flooding and flood damage, in part because of climate change, it is essential that FEMA reevaluate programs to reduce unnecessary barriers to participation and effectiveness, to serve all communities, to increase equity, and to promote preparedness.

As part of FEMA's review of the CRS program, we published a RFI on Monday, August 23, 2021at 86 FR 47128. FEMA is seeking input through this RFI on ways the agency can improve the CRS program: (1) To better align the CRS program with the improved understanding of flood risk and flood risk approaches that have developed since the program's inception; (2) to better incentivize communities and policyholders to become more resilient and to not only manage, but to lower their vulnerability to flood risk; and (3) to support the sound financial framework of the NFIP.

While the CRS program today has evolved, the overall approach and framework of the program has been the same since the start of the program. As FEMA undertakes many initiatives that will transform the NFIP, the agency is also evaluating the CRS program and its potential to support FEMA, State government, Tribal government, and community goals and needs. While the agency has made incremental changes since the CRS program's implementation, the agency is seeking input to further improve the program through additional programmatic changes. With the continuous learning around flood, flood risk management, and flood risk reduction techniques, FEMA now has more information about and understanding of multi-frequency analysis, pluvial flooding, climate change, and the extent of flood risk outside of the SFHA. FEMA seeks to make larger improvements within our programs based on these developments and is now taking a holistic look at the CRS program to determine how the program can best meet FEMA and stakeholder needs.

The purpose of these public meetings and the RFI is to seek feedback on the CRS program. FEMA is holding public meetings to ensure that all interested parties have sufficient opportunity to provide comments on the CRS program during these meetings and the RFI to identify those aspects of the CRS program that may benefit from modification, streamlining, or expansion in light of FEMA's improved understanding of flood risk and flood risk reduction approaches gained since the initiation of the CRS program. FEMA will carefully consider all relevant comments received during the meetings and during the RFI comment period closing on September 22, 2021. All comments or remarks provided on the request for information during the meetings will be recorded and posted to the rulemaking docket on *https://www.regulations.gov.*

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–18456 Filed 8–26–21; 8:45 am]

BILLING CODE 9111–47–P

DEPARTMENT OF HOMELAND SECURITY

Transportation Security Administration

Intent To Request an Extension From OMB of One Current Public Collection of Information: Pipeline Corporate Security Review Program

AGENCY: Transportation Security Administration, DHS.

ACTION: 60-Day notice.

SUMMARY: The Transportation Security Administration (TSA) invites public comment on one currently-approved Information Collection Request (ICR), Office of Management and Budget (OMB) control number 1652–0056, abstracted below, that we will submit to OMB for an extension in compliance with the Paperwork Reduction Act (PRA). On July 15, 2021, OMB approved TSA's request for an emergency revision of this collection to address the ongoing cybersecurity threat to pipeline systems and associated infrastructure. TSA is now seeking to renew the collection, which expires on January 31, 2022, with incorporation of the subject of the emergency revision. The ICR describes the nature of the information collection and its expected burden. The collection allows TSA to assess the current security practices in the pipeline industry through TSA's Pipeline Corporate Security Review (PCSR) program. The PCSR program is part of the larger domain awareness, prevention, and protection program supporting TSA's and the Department of Homeland Security's missions.

DATES: Send your comments by October 26, 2021.

ADDRESSES: Comments may be emailed to *TSAPRA@tsa.dhs.gov* or delivered to the TSA PRA Officer, Information Technology (IT), TSA–11, Transportation Security Administration, 6595 Springfield Center Drive, Springfield, VA 20598–6011.

FOR FURTHER INFORMATION CONTACT: Christina A. Walsh at the above address, or by telephone (571) 227–2062.

SUPPLEMENTARY INFORMATION:

Comments Invited

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The ICR documentation will be available at *http://www.reginfo.gov* upon its submission to OMB. Therefore, in preparation for OMB review and approval of the following information collection, TSA is soliciting comments to—

(1) Evaluate whether the proposed information requirement is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Information Collection Requirement

OMB Control Number 1652–0056; Pipeline Corporate Security Review (PCSR) Program. Under the Aviation and Transportation Security Act [1] and delegated authority from the Secretary of Homeland Security, TSA has broad responsibility and authority for ''security in all modes of transportation . . . including security responsibilities . . . over modes of transportation that are exercised by the Department of Transportation.'' [2] TSA is specifically empowered to assess threats to transportation; [3] develop policies, strategies, and plans for dealing with threats to transportation; [4] oversee the implementation and adequacy of security measures at transportation facilities; [5] and carry out other appropriate duties relating to transportation security.[6] The Implementing Recommendations of the 9/11 Commission Act of 2007 (9/11 Act) included a specific requirement for TSA to conduct assessments of critical pipeline facilities.[7]

Assessing Voluntary Implementation of Recommendations

Consistent with these authorities and requirements, TSA developed the PCSR program to assess the current security practices in the pipeline industry, with a focus on the physical and cyber security of pipelines and the crude oil and petroleum products, such as gasoline, diesel, jet fuel, home heating oil, and natural gas, moving through the system infrastructure. PCSRs are voluntary, face-to-face visits, usually at the headquarters facility of the pipeline owner/operator. Typically, TSA sends one to three employees to conduct a seven to eight hour interview with representatives from the owner/operator. The TSA representatives analyze the owner/operator's security plan and policies and compare their practices with recommendations in TSA's Pipeline Security Guidelines.

During the PCSR assessment, the PCSR program subject matter experts:

- Meet with senior corporate officers and security managers.
- Develop knowledge of security planning at critical pipeline infrastructure sites.
- Establish and maintain a working relationship with key security staff who operate critical pipeline infrastructure.
- Identify industry smart practices and lessons learned.
- Maintain a dynamic modal network through effective communications with

[1] Public Law 107–71 (115 Stat. 597; Nov. 19, 2001), codified at 49 U.S.C. 114.

[2] *See* 49 U.S.C. 114(d). The TSA Administrator's current authorities under the Aviation and Transportation Security Act have been delegated to him by the Secretary of Homeland Security. Section 403(2) of the Homeland Security Act (HSA) of 2002, Public Law 107–296 (116 Stat. 2135, Nov. 25, 2002), transferred all functions of TSA, including those of the Secretary of Transportation and the Under Secretary of Transportation of Security related to TSA, to the Secretary of Homeland Security. Pursuant to DHS Delegation Number 7060.2, the Secretary delegated to the Administrator of TSA, subject to the Secretary's guidance and control, the authority vested in the Secretary with respect to TSA, including that in section 403(2) of the HSA.

[3] 49 U.S.C. 114(f)(2).

[4] 49 U.S.C. 114(f)(3).

[5] 49 U.S.C. 114(f)(11).

[6] 49 U.S.C. 114(f)(15).

[7] *See* section 1557 of Public Law 110–53 (121 Stat. 266; Aug. 3, 2007) as codified at 6 U.S.C. 1207.

the pipeline industry and government stakeholders.

Through this engagement, TSA is also able to establish and maintain productive working relationships with key pipeline security personnel. This engagement and access to pipeline facilities also enables TSA to identify and share smart security practices observed at one facility to help enhance and improve the security of the pipeline industry. As a result, participation in the voluntary PCSR program enhances pipeline security at both specific facilities and across the industry.

TSA has developed a Question Set to aid in the conducting of PCSRs. The PCSR Question Set structures the TSA-owner/operator discussion and is the central data source for the security information TSA collects. TSA developed the PCSR Question Set based on input from government and industry stakeholders on how best to obtain relevant information from a pipeline owner/operator about its security plan and processes. The questions are designed to examine the company's current state of security, as well as to address measures that are applied if there is a change in the National Terrorism Advisory System. The PCSR Question Set also includes sections for facility site visits and owner/operator contact information. By asking questions related to specific topics (such as security program management, vulnerability assessments, components of the security plan, security training, and emergency communications), TSA is able to assess the strength of owner/operator's physical security, cyber security, emergency communication capabilities, and security training.

This PCSR information collection provides TSA with real-time information on a company's security posture. The relationships these face-to-face contacts foster are critical to the Federal government's ability to reach out to the pipeline stakeholders affected by the PCSRs. In addition, TSA follows up via email with owner/operators on specific recommendations made by TSA during the PCSR.

When combined with information from other companies across the sector, TSA can identify and develop recommended smart practices and security recommendations for the pipeline mode. This information allows TSA to adapt programs to the changing security threat, while incorporating an understanding of the improvements owners/operators make in their security measures. Without this information, the ability of TSA to perform its security mission would be severely hindered.

Establishing Compliance With Mandatory Requirements (Emergency Revision)

While the above listed collections are voluntary, on July 15, 2021, OMB approved TSA's request for an emergency revision of this information collection, allowing for the institution of mandatory requirements. *See* ICR Reference Number: 202107–1652–002. TSA is now seeking renewal of this information collection for the maximum three-year approval period.

The revision was necessary as a result of actions TSA took to address the ongoing cybersecurity threat to pipeline systems and associated infrastructure. On July 19, 2021, TSA issued a Security Directive (SD) applicable to owners/operators of critical hazardous liquid and natural pipelines and liquefied natural gas facilities.[8] These owners/operators are required to develop and adopt a Cybersecurity Contingency/Response Plan to ensure the resiliency of their operations in the event of a cybersecurity attack. Owners/operators must provide evidence of compliance to TSA upon request. In addition, owner/operators are required to have a third-party complete an evaluation of their industrial control system design and architecture to identify previously unrecognized vulnerabilities. This evaluation must include a written report detailing the results of the evaluation and the acceptance or rejection of any recommendations provided by the evaluator to address vulnerabilities. This written report must be made available to TSA upon request and retained for no less than 2 years from the date of completion. Finally, within 7 days of each deadline set forth in the SD, owner/operators must ensure that their Cybersecurity Coordinator or other accountable executive submits a statement to TSA via email certifying that the owner/operator has met the requirements of the SD. For convenience, TSA will provide an optional form (TSA Security Directive Pipeline 2021–02 Statement of Completion) for each submission deadline that owner/operators can complete and submit via email. This form is Sensitive Security Information (SSI) and will only be shared with the owner/operators and others with the need to know. TSA requires that certifications be made in a timely way. Documentation of compliance must be provided upon request.

Portions of PCSR responses that are deemed SSI are protected in accordance with procedures meeting the transmission, handling, and storage requirements of SSI set forth in parts 15 and 1520 of title 49, Code of Federal Regulations (CFR). Information developed and submitted pursuant to TSA's SD is also SSI.

The annual hour burden for the voluntary information collection is estimated to be 220 hours based upon 20 PCSR visits per year, each lasting a total of eight hours and the follow-up regarding security recommendations, lasting up to three hours, ((20 × 8 = 160 hours) + (20 × 3 = 60 hours) = 220 hours).

For the mandatory information collection, TSA estimates a total of 97 owner/operators will provide the responses for the Cybersecurity Contingency/Response Plan; Third-Party Evaluation; and Certification of Completion. TSA estimates the total annual burden hours for the mandatory collection to be 12,610 hours.

TSA estimates that it will take approximately 80 hours to complete the response for the Cybersecurity Contingency/Response Plan, totaling 7,760 hours (97 respondents × 80 hours = 7,760 hours). In addition, TSA estimates that it will require approximately 42 hours to complete the Third-Party Evaluation, totaling 4,074 hours (97 respondents × 42 hours = 4,074 hours). Finally, TSA estimates that it will take eight (8) hours to complete the Certification of completion of SD requirements, totaling 776 hours (97 respondents × 8 hours = 776 hours). Thus, the total annual burden hours for the mandatory collection is 12,610 hours (7,760 + 4,074 + 776 = 12,610).

TSA estimates the total respondents for the information collection is 97 and the combined annual burden hours for the voluntary and mandatory collections are 12,830 hours (220 + 7,760 + 4,074 + 776 = 12,830).

Dated: August 24, 2021.

Christina A. Walsh,

TSA Paperwork Reduction Act Officer, Information Technology.

[FR Doc. 2021–18533 Filed 8–26–21; 8:45 am]

BILLING CODE 9110–05–P

[8] On May 28, 2021, TSA issued another SD which included three information collections. OMB control number 1652–0055, includes two of these information collections, requiring owner/operators to report cybersecurity incidents to CISA, and to designate a Cybersecurity Coordinator, who is required to be available to the TSA 24/7 to coordinate cybersecurity practices and address any incidents that arise, and who must submit contact information to TSA. OMB control number 1652–0050 contains the remaining information collection, requiring owner/operators to conduct a cybersecurity assessment, to address cyber risk, and identify remediation measures that will be taken to fill those gaps and a time frame for achieving those measures.

INTER-AMERICAN FOUNDATION

Sunshine Act Meetings

TIME AND DATE: August 30, 2021, 2:00 p.m.–3:00 p.m.

PLACE: Via tele-conference.

STATUS: Meeting of the IAF Board of Director, closed to the public as provided for by 22 CFR 1004.4(b)

MATTERS TO BE CONSIDERED:

- Executive Session

CONTACT PERSON FOR MORE INFORMATION: Aswathi Zachariah, General Counsel, (202) 683–7118.

For Dial-in Information Contact: Karen Vargas, Board Liaison, (202) 524–8869.

The Inter-American Foundation is holding this meeting under the Government in the Sunshine Act, 5 U.S.C. 552(b).

Aswathi Zachariah,

General Counsel.

[FR Doc. 2021–18569 Filed 8–25–21; 11:15 am]

BILLING CODE 7025–01–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. FWS–R8–ES–2021–0094; FF08ESMF00–FXES11140800000–212]

DifWind VII & IX Reclamation Project, Alameda County, California; Draft Categorical Exclusion and Draft Habitat Conservation Plan

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability of permit application; request for comment.

SUMMARY: We, the U.S. Fish and Wildlife Service, announce the receipt of an application from DifWind Farms Limited VII and DifWind Farms Limited IX (collectively, the applicants) for a 6-year incidental take permit under the Endangered Species Act (ESA), along with the applicants' draft habitat conservation plan. We also announce the availability of the associated draft National Environmental Policy Act categorical exclusion screening form. The applicants have applied for an incidental take permit under the ESA for the DifWind VII & IX Reclamation Project in Alameda County, California. The permit would authorize the take of two species incidental to the reclamation of a decommissioned commercial wind energy project. We invite the public and local, State, Tribal, and Federal agencies to comment on the application and related documents. Before issuing the requested permit, we will take into consideration any information that we receive during the public comment period.

DATES: We must receive your written comments on or before September 27, 2021.

ADDRESSES:

Obtaining Documents: The draft categorical exclusion screening form (CatEx), draft habitat conservation plan (HCP), and any comments and other materials that we receive are available for public inspection at *http://www.regulations.gov* in Docket No. FWS–R8–ES–2021–0094.

Submitting Comments: To submit comments, please use one of the following methods, and note that your information requests or comments are in reference to the draft CatEx, draft HCP, or both.

- *Internet:* Submit comments at *http://www.regulations.gov* under Docket No. FWS–R8–ES–2021–0094.
- *U.S. Mail:* Public Comments Processing, Attn: Docket No. FWS–R8–ES–2021–0094; U.S. Fish and Wildlife Service Headquarters, MS: PRB/3W; 5275 Leesburg Pike; Falls Church, VA 22041–3803.

For more information, see Public Comments and Public Availability of Comments.

FOR FURTHER INFORMATION CONTACT: Vincent Griego, Fish and Wildlife Biologist, or Ryan Olah, Chief, Coast Bay Division, Fish and Wildlife Service, Sacramento Fish and Wildlife Office, by phone at 916–414–6600 or via the Federal Relay Service at 800–877–8339.

SUPPLEMENTARY INFORMATION: We, the U.S. Fish and Wildlife Service (Service), announce the receipt of an application from DifWind Farms Limited VII, and DifWind Farms Limited IX (collectively, the applicants), for a 6-year incidental take permit (ITP) under the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), along with the applicants' draft habitat conservation plan. We also announce the availability of the associated draft National Environmental Policy Act categorical exclusion screening form (NEPA; 42 U.S.C. 4321 *et seq.*). The applicants have applied for an incidental take permit under the ESA for the DifWind VII & IX Reclamation Project in Alameda County, California. The permit would authorize the take of two species incidental to the reclamation of a decommissioned commercial wind energy project. We invite the public and local, State, Tribal, and Federal agencies to comment on the application and related documents. Before issuing the requested permit, we will take into consideration any information that we receive during the public comment period.

An ITP application requires the preparation of an HCP with measures to avoid, minimize, and mitigate the impacts of incidental take to the maximum extent practicable. The applicants prepared and submitted for Service review their Draft DifWind VII & IX Reclamation Project Habitat Conservation Plan (HCP) pursuant to section 10(a)(1)(B) of the ESA. The Service then prepared a draft categorical exclusion screening form consistent with the National Environmental Policy Act of 1969, as amended (NEPA; 42 U.S.C. 4321 *et seq.*), and its implementing regulations in the Code of Federal Regulations (CFR) at 40 CFR 1501.4, and now is making it available in accordance with provisions within 40 CFR 1506.6. The purpose of the screening form is to confirm that the agency action is within a category of actions previously determined, pursuant to agency NEPA procedures, not to normally have significant effects on the natural and human environment, and thus does not require further NEPA evaluation, and that there are no extraordinary circumstances that indicate that an otherwise-excluded action may warrant further NEPA evaluation.

Background

Section 9 of the ESA (16 U.S.C. 1531–1544 *et seq.*) and Federal regulations (50 CFR 17) prohibit the taking of fish and wildlife species listed as endangered or threatened under section 4 of the ESA. Regulations governing allowable exceptions to prohibited take of endangered and threatened species via permits are at 50 CFR 17.22 and 17.32. For more about the Federal habitat conservation plan program, go to *http://www.fws.gov/endangered/esa-library/pdf/hcp.pdf.*

National Environmental Policy Act Compliance

The proposed permit issuance triggers the need for compliance with NEPA. The draft CatEx was prepared to analyze the impacts of issuing an ITP based on the draft HCP and to inform the public of the proposed action, any alternatives, and associated impacts, and to disclose any irreversible commitments of resources. The draft CatEx further confirms if an action is within a category of categorically excluded activities indicating further NEPA evaluation is not necessary.

Proposed Action Alternative

Under the proposed action alternative, the Service would issue an ITP to the applicants for a period of 6 years for certain covered activities (described below). The applicants have requested an ITP for two covered species (described below), which are listed as threatened under the ESA.

Covered Activities

The proposed ESA section 10 ITP would allow take of two covered species from covered activities in the proposed HCP area. The applicants are requesting incidental take authorization to complete the decommissioning and removal of a wind energy project originally installed in the 1980s and 1990s. The applicants have completed non-ground-disturbing work, including the removal of wind turbine blades, nacelles, turbine towers, transformers, meteorological masts, and other minor aboveground facilities. Under the HCP, the applicants would complete the decommissioning and removal of approximately 14 miscellaneous concrete pads, 17 junction boxes, 308 turbine foundations, 41 concrete pad-mount transformer pads, and would restore approximately 14.7 miles of access roads. The applicants seeks a 6-year permit to match the projected time necessary to complete the activities associated with this proposed decommissioning and reclamation project, including ground-disturbing activities, and remedial actions, if necessary, to ensure restoration of the project site.

The applicants propose actions to avoid, minimize, and mitigate the effects to the Covered Species associated with the Covered Activities through the implementation of the HCP. The proposed mitigation measures in the HCP closely follow the avoidance and minimization measures outlined in the East Alameda Conservation Strategy (EACCS). The measures generally require preconstruction surveys; avoidance and monitoring during construction; and best management practices for restoration of Covered Species habitat.

Covered Species

The California tiger salamander (*Ambystoma californiense*) (central California distinct population segment), and the California red-legged frog (*Rana draytonii*), both federally listed as threatened, are proposed to be included as covered species in the proposed HCP.

Alternatives

In addition to the proposed action alternative in the applicant's HCP, as required by the ESA, the HCP considers several alternatives to such action's potential taking: (1) The No-Take Alternative; (2) the Reduced Take Alternative, and (3) an Other Alternative.

No-Action Alternative

Under the no-action alternative, the Service would not issue an ITP to the applicants, and the reclamation would not be completed. The no-action alternative is not feasible, based on the purpose and need of the project. The existing wind energy project has been partially decommissioned, but the applicants are responsible for comprehensive decommissioning and reclamation activities. Ground disturbance during the final phases of decommissioning/reclamation activities is unavoidable, along with plausible incidental take of covered species. For these reasons, the no-action alternative has been rejected.

Reduced Take Alternative

Under the reduced take alternative, the applicants considered only removing turbine foundations that were located further away from aquatic habitat for the covered species. The Service would issue a permit, and the applicants would implement the proposed mitigation measures. While this reduced take alternative would reduce the amount of California tiger salamander and California red-legged frog habitat affected, it was determined to be infeasible because the applicants have previous agreements with the landowner to remove all project components during decommissioning. The applicants would not be able to meet their obligations with landowners under this alternative, so the reduced take alternative was rejected.

Other Alternative

The applicants also considered restoring fewer miles of roads as an alternative. The Service would issue a permit, and the applicants would implement the proposed mitigation measures. While this other alternative would reduce by a very small amount the amount of California tiger salamander and California red-legged frog habitat initially affected, the long-term value of rehabilitating areas for future habitat would be lost. Additionally, it was determined to be generally infeasible because the applicants have previous agreements with the landowner to remove all project components during decommissioning. So for these reasons, the reduced take alternative was rejected.

Public Comments

We request data, comments, new information, or suggestions from the public, other concerned governmental agencies, the scientific community, Tribes, industry, or any other interested party on this notice, the draft CatEx, and the draft HCP. We particularly seek comments on the following:

(1) Biological information concerning the species;

(2) Relevant data concerning the species;

(3) Additional information concerning the range, distribution, population size, and population trends of the species;

(4) Current or planned activities in the subject area and their possible impacts on the species; and

(5) The presence of archeological sites, buildings and structures, historic events, sacred and traditional areas, and other historic preservation concerns, which are required to be considered in project planning by the National Historic Preservation Act; and

(6) Any other environmental issues that should be considered with regard to the proposed development and permit action.

Public Availability of Comments

Before including your address, phone number, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—might 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.

Next Steps

Issuance of an ITP is a Federal proposed action subject to compliance with NEPA and section 7 of the ESA. We will evaluate the application, associated documents, and any public comments we receive to determine whether the application meets the requirements of section 10(a) of the ESA. If we determine that those requirements are met, we will conduct an intra-Service consultation under section 7 of the ESA for the Federal action for the potential issuance of an ITP. If the intra-Service consultation confirms that issuance of the ITP will not jeopardize the continued existence of any endangered or threatened species, or destroy or adversely modify critical habitat, we will issue a permit to the applicant for the incidental take of the California tiger salamander and California red-legged frog from the

implementation of the covered activities described in the draft HCP. We will make the final permit decision no sooner than 30 days after publication of this notice in the **Federal Register**.

Authority

We publish this notice in compliance with section 10(c) of the Endangered Species Act (16 U.S.C. 1531–1544 *et seq.*) and its implementing regulations at 40 CFR 17.22 and 17.32; and in furtherance of objectives under the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321–4347 *et seq.*), and its implementing regulations at 40 CFR 1500–1508.

Kim S. Turner,

Acting Field Supervisor, Sacramento Fish and Wildlife Office, Sacramento, California.

[FR Doc. 2021–18449 Filed 8–26–21; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R2–ES–2020–N156; FXES11140200000–212–FF02ENEH00]

Application for an Incidental Take Permit; Habitat Conservation Plan and Draft Environmental Assessment for Wildhorse Mountain Wind Project, Pushmataha County, Oklahoma

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce the availability of a draft environmental assessment (dEA) under the National Environmental Policy Act (NEPA), and application for an incidental take permit (ITP) supported by a habitat conservation plan (HCP) for the operation of an existing wind facility, the Wildhorse Mountain Wind project (project), in Pushmataha County, Oklahoma. Wildhorse Wind Energy, LLC (Applicant) has applied for an ITP under the Endangered Species Act of 1973, as amended. The requested ITP, which would be in effect for a period of 30 years, if granted, would cover incidental take of the federally endangered Indiana bat and threatened northern long-eared bat. The potential incidental take would be associated with activities associated with the operation of the existing wind project. We invite public comments on the permit application, proposed HCP, and dEA.

DATES: *Submission of Comments:* We will accept comments received or postmarked on or before September 27, 2021.

ADDRESSES:

Obtaining documents: The documents this notice announces are available for public inspection by any of the following means.

Internet: You may obtain electronic copies of the dEA and HCP on the Oklahoma Field Office website at *http://www.fws.gov/southwest/es/oklahoma/.*

U.S. Mail: You may obtain the documents at the following addresses. In your request for documents, please note that your request is in reference to the Wildhorse Mountain Wind Project HCP and dEA.

- *EA and HCP:* A limited number of CD–ROM and printed copies of the EA and HCP are available, by request, from Ken Collins, Acting Field Supervisor, Oklahoma Ecological Services Field Office, Tulsa OK, telephone 918–581–7458.
- The ITP application is available by mail from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Room 6034, Albuquerque, NM 87103.

Submitting Comments

You may submit written comments by one of the following methods:

- *Email: okes_nepa@fws.gov*; or
- *Facsimile:* 918–581–7467, Attn: OKES Wildhorse Mountain Wind Project HCP EA.
- *U.S. mail:* Field Supervisor, Oklahoma Ecological Services Field Office, 9014 East 21st Street, Tulsa, Oklahoma 74129–1428.

Please specify that your information request or comments concern the Wildhorse Mountain Wind Project EA/HCP.

FOR FURTHER INFORMATION CONTACT: Ken Collins, by U.S. mail at the U.S. Fish and Wildlife Service, Oklahoma Ecological Services Field Office (at the Tulsa street address above), or by phone at 918–581–7458. If you use a telecommunications device for the deaf (TDD), please call the Federal Information Relay Service at 800–877–8339.

SUPPLEMENTARY INFORMATION: The Applicant has applied to the Service for an ITP under section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*). The requested ITP, which would be in effect for a period of 30 years, if granted, would authorize incidental take of the federally endangered Indiana bat (*Myotis sodalis*) and threatened northern long-eared bat (*Myotis septentrionalis*) during the operation of an existing wind facility in Pushmataha County, Oklahoma.

In total, the plan area is 13,731.6 acres, including the 13,641.6-acre wind facility and an off-site mitigation area (90 acres of contiguous forested habitat in Pushmataha County). The facility, constructed in 2019, consists of 29 wind turbines, with a total generating capacity of 100 megawatts.

Activities potentially causing take include the operation of the existing 29 wind turbines. The Applicant has proposed a HCP that would be implemented to address project impacts to the Indiana bat and northern long-eared bat.

We are notifying the public of the Applicant's proposal of an HCP and request to the Service for an ITP to cover incidental take of the Indiana bat and northern long-eared bat associated with the operation of the Wildhorse Mountain Wind facility. In addition, we are notifying the public of the Service's preparation of a dEA regarding impacts of the requested action or feasible alternatives, of an opportunity for public comment on our action, and of our intention to finalize the environmental assessment after consideration of public comment.

Background

Section 9 of the ESA prohibits ''take'' of fish and wildlife species listed as endangered or threatened (16 U.S.C. 1531–1544). Under section 3 of the ESA, the term ''take'' means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct (16 U.S.C. 1532(19)). The term ''harm'' is further defined by regulation as an act which actually kills or injures wildlife. Such acts may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering (50 CFR 17.3).

Under section 10(a)(1)(B) of the ESA, the Secretary of the Interior may authorize the taking of federally listed species if such taking occurs incidental to otherwise legal activities and where a conservation plan has been developed under ESA section 10(a)(2)(A) that describes (1) the impact that will likely result from such taking; (2) the steps an Applicant will take to minimize and mitigate that take to the maximum extent practicable, and the funding that will be available to implement such steps; (3) the alternative actions to such taking that an Applicant considered and the reasons why such alternatives are not being utilized; and (4) other measures that the Service may require as being necessary or appropriate for the purposes of the plan. Issuance criteria

under section 10(a)(2)(B) for an incidental take permit requires the Service to find that (1) the taking will be incidental to otherwise lawful activities; (2) an Applicant will, to the maximum extent practicable, minimize and mitigate the impacts of such taking; (3) an Applicant has ensured that adequate funding for the plan will be provided; (4) the taking will not appreciably reduce the likelihood of the survival and recovery of the species in the wild; and (5) the measures, if any, we require as necessary or appropriate for the purposes of the plan will be met. Regulations governing permits for endangered and threatened species are at 50 CFR 17.22 and 17.32, respectively.

Proposed Action

The proposed action is the issuance of a 30-year ITP to authorize incidental take of up to 8 Indiana bats and 48 northern long-eared bats during the ITP term, resulting from activities covered by the HCP and associated with the operation of the existing Wildhorse Mountain Wind Project in Pushmataha County, Oklahoma. The plan area is 13,731.6 acres, of which 90 acres are protected mitigation lands to offset the impacts of the project.

The proposed HCP, which must meet the requirements in section 10(a)(2)(A) of the ESA, was developed in coordination with the Service and would be implemented by the Applicant. The proposed action will allow for the Applicant to comply with the ESA, and their renewable wind-generated energy would be made available to public utilities. Covered activities in the HCP include the operation of 29 wind turbines and the conservation and preservation of 90 acres, called the mitigation area. The Applicant proposes to minimize and mitigate impacts to the Indiana bat and northern long-eared bat through conservation measures identified in the HCP.

Alternatives

We considered one alternative to the proposed action as part of the environmental assessment process: The no-action alternative. The no-action alternative represents estimated future conditions without the issuance of an ITP. The no-action alternative represents the status quo.

Under the no-action alternative, the Service would not issue the ITP. The no-action alternative would be implemented if the Service denies issuance of a permit or if the Applicant chooses to abandon pursuing an ITP. The Applicant would operate the project without an ITP and would risk not being in compliance with section 9 of the Endangered Species Act if implementation of covered activities results in take of the Indiana bat or the northern long-eared bat without the use of a 4(d) rule.

Next Steps

We will evaluate the permit application, associated documents, and comments we receive to determine whether the permit application meets the requirements of the ESA, NEPA, and implementing regulations. If we determine all requirements are met, we will approve the HCP and issue the ITP under section 10(a)(1)(B) of the ESA to the Applicant, Wildhorse Mountain Wind Energy, LLC, for take of Indiana bat and northern long-eared bat in accordance with the terms of the HCP and specific terms and conditions of the authorizing permit. We will not make our final decision until after the end of the 30-day public comment period, and we will fully consider all comments we receive during the public comment period.

Public Availability of Comments

Written comments we receive become part of the public record associated with this action. Requests for copies of comments will be handled in accordance with the Freedom of Information Act, NEPA, and Service and Department of the Interior policies and procedures. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that the 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. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public disclosure in their entirety.

Authority

We provide this notice under the authority of section 10(c) of the ESA and its implementing regulations (50 CFR 17.22 and 17.32) and NEPA (42 U.S.C. 4371 *et seq.*) and its implementing regulations (40 CFR 1506.6).

Amy L. Lueders,

Regional Director, Southwest Region, U.S. Fish and Wildlife Service.

[FR Doc. 2021–18450 Filed 8–26–21; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRSS–NPS0031626; PPWONRADE3, PPMRSNR1Y.NM0000 (211); OMB Control Number 1024–NEW]

Agency Information Collection Activities; Socioeconomic Monitoring Study of National Park Service Visitors

AGENCY: National Park Service, Interior.

ACTION: Notice of Information Collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 we, the National Park Service (NPS), are proposing a new information collection.

DATES: Interested persons are invited to submit comments on or before October 26, 2021.

ADDRESSES: Send your comments on this information collection request (ICR) by mail to Phadrea Ponds, NPS Information Collection Clearance Officer, 1201 Oakridge Drive, Fort Collins, CO 80525; or by email to *phadrea_ponds@nps.gov.* Please reference Office of Management and Budget (OMB) Control Number 1024–NEW (SEM) in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Bret Meldrum by email at *bret_meldrum@nps.gov,* or by telephone at 970–267–7295. Individuals who are hearing or speech impaired may call the Federal Relay Service at 1–800–877–8339 for TTY assistance.

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995 (PRA) and 5 CFR 1320.8(d)(1), all information collections require approval under the PRA. We may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number.

As part of our continuing effort to reduce paperwork and respondent burdens, we invite the public and other Federal agencies to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also

helps the public understand our information collection requirements and provide the requested data in the desired format.

We are especially interested in public comment addressing the following:

(1) Whether or not the collection of information is necessary for the proper performance of the functions of the agency, including whether or not the information will have practical utility.

(2) The accuracy of our estimate of the burden for this collection of information, including the validity of the methodology and assumptions used.

(3) Ways to enhance the quality, utility, and clarity of the information to be collected.

(4) How might the agency minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology (*e.g.,* permitting electronic submission of response).

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: The NPS Social Science Program (SSP) is authorized by 54 U.S.C. 100701 to collect information that will improve the ability of the NPS to provide state-of the-art management, protection, and interpretation of, and research on, the resources of the System. However, the data currently available from survey research is insufficient for generalizing findings across all national park units in the System with regards to visitor experiences, attitudes, and spending behaviors. Past and present socioeconomic research in NPS units do not allow for comparison across units or against a regional and nationwide benchmark of information. Without this data, local, regional, and national-level NPS managers lack a comprehensive understanding of visitor demographics, economic contribution, and visitation related experiences in park units needed to to monitor how well the System is serving the public.

In 2016, the NPS SSP conducted a pilot study in 14 NPS units to identify and better understand the need for more advanced socioeconomic monitoring. The pilot study produced and verified a study design that will allow SSP to fully implement a Socioeconomic Monitoring Study (SEM). Building on the findings from the pilot study, the SEM will collect information from visitors in up to 30 National Park units annually to provide generalizable results for NPS managers and planners across the System to understand and monitor: visitor demographics, economic contribution, services, facilities and infrastructure investments. Individual park units will be able to compare their unit with regional and national-level data to make informed decisions in future planning and management efforts.

Title of Collection: Socioeconomic Monitoring Study of National Park Service Visitors.

OMB Control Number: 1024–NEW.

Form Number: None.

Type of Review: New.

Respondents/Affected Public: General Public; any person visiting a national park during a sampling period.

Total Estimated Number of Annual Respondents: 50,320. (37,000 on-site surveys and 13,320 mail back surveys).

Estimated Completion Time per Response: On-site Survey: 5 minutes; Mail back Survey: 15 minutes.

Total Estimated Number of Annual Burden Hours: 6,413.

Respondent's Obligation: Voluntary.

Frequency of Collection: Once.

Total Estimated Annual Nonhour Burden Cost: None.

An agency may not conduct or sponsor nor is a person is required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Phadrea Ponds,

Information Collection Clearance Officer, National Park Service.

[FR Doc. 2021–18513 Filed 8–26–21; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–889]

Importer of Controlled Substances Application: Cambrex Charles City

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: Cambrex Charles City has applied to be registered as an importer of basic class(es) of controlled substance(s). Refer to Supplemental Information listed below for further drug information.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants therefore, may file written comments on or objections to the issuance of the proposed registration on or before September 27, 2021. Such persons may also file a written request for a hearing on the application on or before September 27, 2021.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for a hearing must be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrissette Drive, Springfield, Virginia 22152. All request for a hearing should also be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/OALJ, 8701 Morrissette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.34(a), this is notice that on July 29, 2021, Cambrex Charles City, 1205 11th Street Charles City, Iowa 50616–3466, applied to be registered as an importer of the following basic class(es) of controlled substance(s):

Controlled substance	Drug code	Schedule
Psilocybin	7437	I

The company plans to import the listed controlled substance for further manufacturing prior to distribution to its customers. No other activity for this drug code is authorized for this registration.

Approval of permit applications will occur only when the registrant's business activity is consistent with what is authorized under 21 U.S.C. 952(a)(2). Authorization will not extend to the import of Food and Drug Administration-approved or non-approved finished dosage forms for commercial sale.

Brian S. Besser,

Acting Assistant Administrator.

[FR Doc. 2021–18434 Filed 8–26–21; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–891]

Bulk Manufacturer of Controlled Substances Application: Chemtos, LLC.

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: Chemtos, LLC. has applied to be registered as a bulk manufacturer of basic class(es) of controlled substance(s). Refer to Supplemental Information listed below for further drug information.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants therefore, may file written comments on or objections to the issuance of the proposed registration on or before October 26, 2021. Such persons may also file a written request for a hearing on the application on or before October 26, 2021.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.33(a), this is notice that on July 7, 2021, Chemtos, LLC., 16713 Picadilly Court, Round Rock, Texas 78664–8544, applied to be registered as a bulk manufacturer of the following basic class(es) of controlled substance(s):

Controlled substance	Drug code	Schedule
3-Fluoro-N-methylcathinone (3-FMC)	1233	I
Cathinone	1235	I
Methcathinone	1237	I
4-Fluoro-N-methylcathinone (4-FMC)	1238	I
Pentedrone (α-methylaminovalerophenone)	1246	I
Mephedrone (4-Methyl-N-methylcathinone)	1248	I
4-Methyl-N-ethylcathinone (4-MEC)	1249	I
Naphyrone	1258	I
N-Ethylamphetamine	1475	I
N,N-Dimethylamphetamine	1480	I
Fenethylline	1503	I
Aminorex	1585	I
4-Methylaminorex (cis isomer)	1590	I
Gamma Hydroxybutyric Acid	2010	I
Methaqualone	2565	I
Mecloqualone	2572	I
JWH-250 (1-Pentyl-3-(2-methoxyphenylacetyl) indole)	6250	I
SR-18 (Also known as RCS-8) (1-Cyclohexylethyl-3-(2-methoxyphenylacetyl) indole)	7008	I
ADB-FUBINACA (N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide)	7010	I
5-Fluoro-UR-144 and XLR11 [1-(5-Fluoro-pentyl)1H-indol-3-yl](2,2,3,3-tetramethylcyclopropyl)methanone	7011	I
AB-FUBINACA (N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide)	7012	I
FUB-144 (1-(4-fluorobenzyl)-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone)	7014	I
JWH-019 (1-Hexyl-3-(1-naphthoyl)indole)	7019	I
MDMB-FUBINACA (Methyl 2-(1-(4-fluorobenzyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate)	7020	I
FUB-AMB, MMB-FUBINACA, AMB-FUBINACA (2-(1-(4-fluorobenzyl)-1Hindazole-3-carboxamido)-3-methylbutanoate)	7021	I
AB-PINACA (N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide)	7023	I
THJ-2201 [1-(5-fluoropentyl)-1H-indazol-3-yl](naphthalen-1-yl)methanone	7024	I
5F-AB-PINACA (N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluropentyl)-1H-indazole-3-carboximide)	7025	I
AB-CHMINACA (N-(1-amino-3-methyl-1- oxobutan-2-yl)-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide	7031	I
MAB-CHMINACA (N-(1-amino-3,3dimethyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide)	7032	I
5F-AMB (Methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3-methylbutanoate)	7033	I
5F-ADB; 5F-MDMB-PINACA (Methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate)	7034	I
ADB-PINACA (N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide)	7035	I
5F-EDMB-PINACA (ethyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate)	7036	I
5F-MDMB-PICA (methyl 2-(1-(5-fluoropentyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate)	7041	I
MDMB-CHMICA, MMB-CHMINACA (Methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3,3- dimethylbutanoate)	7042	I
MMB-CHMICA, AMB-CHMICA (methyl 2-(1-(cyclohexylmethyl)-1*H*-indole-3-carboxamido)-3-methylbutanoate)	7044	I
FUB-AKB48, FUB-APINACA, AKB48 N-(4-FLUOROBENZYL)(N-(adamantan-1-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboximide).	7047	I
APINACA and AKB48 N-(1-Adamantyl)-1-pentyl-1H-indazole-3-carboxamide	7048	I
5F-APINACA, 5F-AKB48 (N-(adamantan-1-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide)	7049	I
JWH-081 (1-Pentyl-3-(1-(4-methoxynaphthoyl) indole)	7081	I
5F-CUMYL-PINACA, 5GT-25 (1-(5-fluoropentyl)-*N*-(2-phenylpropan-2-yl)-1*H*-indazole-3-carboxamide)	7083	I
5F-CUMYL-P7AICA (1-(5-fluoropentyl)-*N*-(2-phenylpropan-2-yl)-1*H*-pyrrolo[2,3-b]pyridine-3-carboxamide)	7085	I
4-CN-CUML-BUTINACA, 4-cyano-CUMYL-BUTINACA, 4-CN- CUMYL BINACA, CUMYL-4CN-BINACA, SGT-78 (1-(4-cyanobutyl)-N-(2-phenylpropan-2-yl)-1H-indazole-3-carboxamide).	7089	I
SR-19 (Also known as RCS-4) (1-Pentyl-3-[(4-methoxy)-benzoyl]indole	7104	I
JWH-018 (also known as AM678) (1-Pentyl-3-(1-naphthoyl)indole)	7118	I
JWH-122 (1-Pentyl-3-(4-methyl-1-naphthoyl) indole)	7122	I
UR-144 (1-Pentyl-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone	7144	I
JWH-073 (1-Butyl-3-(1-naphthoyl)indole)	7173	I
JWH-200 (1-[2-(4-Morpholinyl)ethyl]-3-(1-naphthoyl)indole)	7200	I
AM2201 (1-(5-Fluoropentyl)-3-(1-naphthoyl) indole)	7201	I
JWH-203 (1-Pentyl-3-(2-chlorophenylacetyl) indole)	7203	I
NM2201, CBL2201 (Naphthalen-1-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate	7221	I
PB-22 (Quinolin-8-yl 1-pentyl-1H-indole-3-carboxylate)	7222	I

Controlled substance	Drug code	Schedule
5F-PB-22 (Quinolin-8-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate)	7225	I
4-MEAP (4-Methyl-alpha-ethylaminopentiophenone)	7245	I
N-Ethylhexedrone	7246	I
Alpha-ethyltryptamine	7249	I
Ibogaine	7260	I
CP-47,497 (5-(1,1-Dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl-phenol)	7297	I
CP-47,497 C8 Homologue (5-(1,1-Dimethyloctyl)-2-[(1R,3S)3-hydroxycyclohexyl-phenol)	7298	I
Lysergic acid diethylamide	7315	I
2,5-Dimethoxy-4-(n)-propylthiophenethylamine (2C-T-7)	7348	I
Marihuana Extract	7350	I
Marihuana	7360	I
Parahexyl	7374	I
Mescaline	7381	I
2-(4-Ethylthio-2,5-dimethoxyphenyl) ethanamine (2C-T-2)	7385	I
3,4,5-Trimethoxyamphetamine	7390	I
4-Bromo-2,5-dimethoxyamphetamine	7391	I
4-Bromo-2,5-dimethoxyphenethylamine	7392	I
4-Methyl-2,5-dimethoxyamphetamine	7395	I
2,5-Dimethoxyamphetamine	7396	I
JWH-398 (1-Pentyl-3-(4-chloro-1-naphthoyl) indole)	7398	I
2,5-Dimethoxy-4-ethylamphetamine	7399	I
3,4-Methylenedioxyamphetamine	7400	I
5-Methoxy-3,4-methylenedioxyamphetamine	7401	I
N-Hydroxy-3,4-methylenedioxyamphetamine	7402	I
3,4-Methylenedioxy-N-ethylamphetamine	7404	I
3,4-Methylenedioxymethamphetamine	7405	I
4-Methoxyamphetamine	7411	I
5-Methoxy-N-N-dimethyltryptamine	7431	I
Alpha-methyltryptamine	7432	I
Bufotenine	7433	I
Diethyltryptamine	7434	I
Dimethyltryptamine	7435	I
Psilocybin	7437	I
Psilocyn	7438	I
5-Methoxy-N,N-diisopropyltryptamine	7439	I
4′-Chloro-alpha-pyrrolidinovalerophenone	7443	I
MPHP, 4′-Methyl-alpha-pyrrolidinohexiophenone	7446	I
N-Ethyl-1-phenylcyclohexylamine	7455	I
1-(1-Phenylcyclohexyl)pyrrolidine	7458	I
1-[1-(2-Thienyl)cyclohexyl]piperidine	7470	I
1-[1-(2-Thienyl)cyclohexyl]pyrrolidine	7473	I
N-Ethyl-3-piperidyl benzilate	7482	I
N-Methyl-3-piperidyl benzilate	7484	I
N-Benzylpiperazine	7493	I
4-Methyl-alphapyrrolidinopropiophenone (4-MePPP)	7498	I
2-(2,5-Dimethoxy-4-methylphenyl) ethanamine (2C-D)	7508	I
2-(2,5-Dimethoxy-4-ethylphenyl) ethanamine (2C-E)	7509	I
2-(2,5-Dimethoxyphenyl) ethanamine (2C-H)	7517	I
2-(4-iodo-2,5-dimethoxyphenyl) ethanamine (2C-I)	7518	I
2-(4-Chloro-2,5-dimethoxyphenyl) ethanamine (2C-C)	7519	I
2-(2,5-Dimethoxy-4-nitro-phenyl) ethanamine (2C-N)	7521	I
2-(2,5-Dimethoxy-4-(n)-propylphenyl) ethanamine (2C-P)	7524	I
2-(4-Isopropylthio)-2,5-dimethoxyphenyl) ethanamine (2C-T-4)	7532	I
MDPV (3,4-Methylenedioxypyrovalerone)	7535	I
2-(4-bromo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25B-NBOMe)	7536	I
2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25C-NBOMe)	7537	I
2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl) ethanamine(25I-NBOMe)	7538	I
Methylone (3,4-Methylenedioxy-N-methylcathinone)	7540	I
Butylone	7541	I
Pentylone	7542	I
N-Ethypentylone, ephylone (1-(1,3-benzodioxol-5-yl)-2-(ethylamino)-pentan-1-one)	7543	I
α-PHP, alpha-Pyrrolidinohexanophenone	7544	I
alpha-pyrrolidinopentiophenone (α-PVP)	7545	I
alpha-pyrrolidinobutiophenone (α-PBP)	7546	I
Ethylone	7547	I
AM-694 (1-(5-Fluoropentyl)-3-(2-iodobenzoyl) indole)	7694	I
Acetyldihydrocodeine	9051	I
Benzylmorphine	9052	I
Codeine-N-oxide	9053	I
Cyprenorphine	9054	I
Desomorphine	9055	I
Etorphine (except HCl)	9056	I
Codeine methylbromide	9070	I

Controlled substance	Drug code	Schedule
Brorphine	9098	I
Dihydromorphine	9145	I
Difenoxin	9168	I
Heroin	9200	I
Hydromorphinol	9301	I
Methyldesorphine	9302	I
Methyldihydromorphine	9304	I
Morphine methylbromide	9305	I
Morphine methylsulfonate	9306	I
Morphine-N-oxide	9307	I
Myrophine	9308	I
Nicocodeine	9309	I
Nicomorphine	9312	I
Normorphine	9313	I
Pholcodine	9314	I
Thebacon	9315	I
Acetorphine	9319	I
Drotebanol	9335	I
U-47700 (3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methylbenzamide)	9547	I
AH-7921 (3,4-dichloro-N-[(1-dimethylamino)cyclohexylmethyl]benzamide))	9551	I
MT-45 (1-cyclohexyl-4-(1,2-diphenylethyl)piperazine))	9560	I
Acetylmethadol	9601	I
Allylprodine	9602	I
Alphacetylmethadol except levo-alphacetylmethadol	9603	I
Alphameprodine	9604	I
Alphamethadol	9605	I
Benzethidine	9606	I
Betacetylmethadol	9607	I
Betameprodine	9608	I
Betamethadol	9609	I
Betaprodine	9611	I
Clonitazene	9612	I
Dextromoramide	9613	I
Isotonitazene	9614	I
Diampromide	9615	I
Diethylthiambutene	9616	I
Dimenoxadol	9617	I
Dimepheptanol	9618	I
Dimethylthiambutene	9619	I
Dioxaphetyl butyrate	9621	I
Dipipanone	9622	I
Ethylmethylthiambutene	9623	I
Etonitazene	9624	I
Etoxeridine	9625	I
Furethidine	9626	I
Hydroxypethidine	9627	I
Ketobemidone	9628	I
Levomoramide	9629	I
Levophenacylmorphan	9631	I
Morpheridine	9632	I
Noracymethadol	9633	I
Norlevorphanol	9634	I
Normethadone	9635	I
Norpipanone	9636	I
Phenadoxone	9637	I
Phenampromide	9638	I
Phenoperidine	9641	I
Piritramide	9642	I
Proheptazine	9643	I
Properidine	9644	I
Racemoramide	9645	I
Trimeperidine	9646	I
Phenomorphan	9647	I
Propiram	9649	I
1-Methyl-4-phenyl-4-propionoxypiperidine	9661	I
1-(2-Phenylethyl)-4-phenyl-4-acetoxypiperidine	9663	I
Tilidine	9750	I
Acryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylacrylamide)	9811	I
Para-Fluorofentanyl	9812	I
3-Methylfentanyl	9813	I
Alpha-methylfentanyl	9814	I
Acetyl-alpha-methylfentanyl	9815	I
N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)propionamide	9816	I

Controlled substance	Drug code	Schedule
Para-Methylfentanyl	9817	I
4-Methyl Acetyl Fentanyl	9819	I
Ortho Methyl Methoxyacetyl Fentanyl	9820	I
Acetyl Fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide)	9821	I
Butyryl Fentanyl	9822	I
Para-fluorobutyryl fentanyl	9823	I
4-Fluoroisobutyryl fentanyl (N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide)	9824	I
2-methoxy-N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide	9825	I
Para-chloroisobutyryl fentanyl	9826	I
Isobutyryl fentanyl	9827	I
Beta-hydroxyfentanyl	9830	I
Beta-hydroxy-3-methylfentanyl	9831	I
Alpha-methylthiofentanyl	9832	I
3-Methylthiofentanyl	9833	I
Furanyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylfuran-2-carboxamide)	9834	I
Thiofentanyl	9835	I
Beta-hydroxythiofentanyl	9836	I
Para-methoxybutyryl fentanyl	9837	I
Para-methoxybutyryl fentanyl	9838	I
Thiofuranyl Fentanyl	9839	I
Valeryl fentanyl	9840	I
Phenyl Fentanyl	9841	I
Beta- Phenyl Fentanyl	9842	I
N-(1-phenethylpiperidin-4-yl)-N-phenyltetrahydrofuran-2-carboxamide	9843	I
Crotonyl Fentanyl	9844	I
Cyclopropyl Fentanyl	9845	I
Ortho-Fluorobutyryl Fentanyl	9846	I
Cyclopentyl Fentanyl	9847	I
Ortho Methyl Acetyl Fentanyl	9848	I
Fentanyl related substance	9850	I
Fentanyl Carbamate	9851	I
Ortho-Fluoroacryl Fentanyl	9852	I
Ortho-Fluoroisobutyryl Fentanyl	9853	I
Para-Fluoro Furanyl Fentanyl	9854	I
2′-Fluoro Ortho-Fluoro Fentanyl	9855	I
Beta-Methyl Fentanyl	9856	I
Amphetamine	1100	II
Methamphetamine	1105	II
Lisdexamfetamine	1205	II
Phenmetrazine	1631	II
Methylphenidate	1724	II
Amobarbital	2125	II
Pentobarbital	2270	II
Secobarbital	2315	II
Glutethimide	2550	II
Nabilone	7379	II
1-Phenylcyclohexylamine	7460	II
Phencyclidine	7471	II
4-Anilino-N-phenethyl-4-piperidine (ANPP)	8333	II
Norfentanyl	8366	II
Phenylacetone	8501	II
1-Piperidinocyclohexanecarbonitrile	8603	II
Alphaprodine	9010	II
Anileridine	9020	II
Cocaine	9041	II
Codeine	9050	II
Etorphine HCl	9059	II
Dihydrocodeine	9120	II
Oxycodone	9143	II
Hydromorphone	9150	II
Diphenoxylate	9170	II
Ecgonine	9180	II
Ethylmorphine	9190	II
Hydrocodone	9193	II
Levomethorphan	9210	II
Levorphanol	9220	II
Isomethadone	9226	II
Meperidine	9230	II
Meperidine intermediate-A	9232	II
Meperidine intermediate-B	9233	II
Meperidine intermediate-C	9234	II
Metazocine	9240	II
Oliceridine	9245	II

Controlled substance	Drug code	Schedule
Methadone	9250	II
Methadone intermediate	9254	II
Metopon	9260	II
Dextropropoxyphene, bulk (non-dosage forms)	9273	II
Morphine	9300	II
Oripavine	9330	II
Thebaine	9333	II
Dihydroetorphine	9334	II
Levo-alphacetylmethadol	9648	II
Oxymorphone	9652	II
Noroxymorphone	9668	II
Phenazocine	9715	II
Thiafentanil	9729	II
Piminodine	9730	II
Racemethorphan	9732	II
Racemorphan	9733	II
Alfentanil	9737	II
Remifentanil	9739	II
Sufentanil	9740	II
Carfentanil	9743	II
Tapentadol	9780	II
Bezitramide	9800	II
Fentanyl	9801	II
Moramide-intermediate	9802	II

The company plans to bulk manufacture the listed controlled substances for distribution to its customers. No other activities for these drug codes are authorized for this registration.

Brian S. Besser,

Acting Assistant Administrator.

[FR Doc. 2021–18436 Filed 8–26–21; 8:45 am]

BILLING CODE P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

[OMB Control No. 1219–0096]

Proposed Extension of Information Collection; Underground Retorts

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Request for public comments.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance request for comment to provide the general public and Federal agencies with an opportunity to comment on proposed collections of information in accordance with the Paperwork Reduction Act of 1995. This request helps to ensure that: Requested data can be provided in the desired format; reporting burden (time and financial resources) is minimized; collection instruments are clearly understood; and the impact of collection requirements on respondents can be properly assessed. Currently, the Mine Safety and Health Administration (MSHA) is soliciting comments on the information collection for Underground Retorts.

DATES: All comments must be received on or before October 26, 2021.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered.

Electronic Submissions: Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments for docket number MSHA–2021–0025. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket, with no changes. Because your comment will be made public, you are responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as your or anyone else's Social Security number or confidential business information.
- If your comment includes confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission.

Written/Paper Submissions: Submit written/paper submissions in the following way:

- *Mail/Hand Delivery:* Mail or visit DOL–MSHA, Office of Standards, Regulations, and Variances, 201 12th Street South, Suite 4E401, Arlington, VA 22202–5452.
- MSHA will post your comment as well as any attachments, except for information submitted and marked as confidential, in the docket at *https://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Jessica Senk, Director, Office of Standards, Regulations, and Variances, MSHA, at *MSHA.information.collections@dol.gov* (email); (202) 693–9440 (voice); or (202) 693–9441 (facsimile).

SUPPLEMENTARY INFORMATION:

I. Background

Section 103(h) of the Federal Mine Safety and Health Act of 1977 (Mine Act), 30 U.S.C. 813, authorizes MSHA to collect information necessary to carry out its duty in protecting the safety and health of miners. Further, section 101(a) of the Mine Act, 30 U.S.C. 811, authorizes the Secretary of Labor to develop, promulgate, and revise as may be appropriate, improved mandatory health or safety standards for the protection of life and prevention of injuries in metal and nonmetal mines.

Title 30 CFR 57.22401 sets forth the safety requirements for using a retort to extract oil from shale in underground metal and nonmetal I–A and I–B mines (mines that operate in a combustible ore and either liberate methane or have the potential to liberate methane based on the history of the mine or the geological area in which the mine is located). At present, this applies only to underground oil shale mines. The

standard requires that prior to ignition of underground retorts, mine operators must submit a written ignition operation plan to the appropriate MSHA District Manager which contains site-specific safeguards and safety procedures for the underground areas of the mine which are affected by the retorts.

II. Desired Focus of Comments

MSHA is soliciting comments concerning the proposed information collection related to Underground Retorts. MSHA is particularly interested in comments that:

- Evaluate whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information has practical utility;
- Evaluate the accuracy of MSHA's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;
- Suggest methods to enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Background documents related to this information collection request are available at *https://regulations.gov* and at DOL–MSHA located at 201 12th Street South, Suite 4E401, Arlington, VA 22202–5452. Questions about the information collection requirements may be directed to the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

III. Current Actions

This information collection request concerns provisions for Underground Retorts. MSHA has updated the data with respect to the number of respondents, responses, burden hours, and burden costs supporting this information collection request from the previous information collection request.

Type of Review: Extension, without change, of a currently approved collection.

Agency: Mine Safety and Health Administration.

OMB Number: 1219–0096.

Affected Public: Business or other for-profit.

Number of Respondents: 1.

Frequency: On occasion.

Number of Responses: 1.

Annual Burden Hours: 160 hours.

Annual Respondent or Recordkeeper Cost: $0.

Comments submitted in response to this notice will be summarized in the request for Office of Management and Budget approval of the proposed information collection request; they will become a matter of public record and will be available at *https://www.reginfo.gov.*

Jessica Senk,

Certifying Officer.

[FR Doc. 2021–18466 Filed 8–26–21; 8:45 am]

BILLING CODE 4510–43–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

[NARA–2021–042]

Freedom of Information Act (FOIA) Advisory Committee Meeting

AGENCY: Office of Government Information Services (OGIS), National Archives and Records Administration (NARA).

ACTION: Notice of Federal advisory committee meeting.

SUMMARY: We are announcing an upcoming Freedom of Information Act (FOIA) Advisory Committee meeting in accordance with the Federal Advisory Committee Act and the second United States Open Government National Action Plan.

DATES: The meeting will be on September 9, 2021, from 10:00 a.m. to 1:00 p.m. ET. You must register by 11:59 p.m. ET September 7, 2021, to attend the meeting.

ADDRESSES: This meeting will be a virtual meeting. We will send access instructions to those who register according to the instructions below.

FOR FURTHER INFORMATION CONTACT: Kirsten Mitchell, Designated Federal Officer for this committee, by email at *foia-advisory-committee@nara.gov,* or by telephone at 202.741.5770.

SUPPLEMENTARY INFORMATION:

Agenda and meeting materials: We will post all meeting materials at *https://www.archives.gov/ogis/foia-advisory-committee/2020-2022-term.* This will be the fifth meeting of the 2020–2022 committee term. The purpose of this meeting will be to hear a presentation about the application of information access to non-governmental entities performing government functions, and updates from the four Subcommittees: Classification, Legislation, Process, and Technology.

Procedures: This virtual meeting is open to the public in accordance with the Federal Advisory Committee Act (5 U.S.C. app. 2). You must register in advance through this Eventbrite link *https://foiaac-mtg-sep-9-2021.eventbrite.com* if you wish to attend. Registration opens August 16, 2021. You must provide an email address so that we can provide you with information to access the meeting online. To request additional accommodations (*e.g.,* a transcript), email *foia-advisory-committee@nara.gov* or call 202.741.5770. Members of the media who wish to register, those who are unable to register online, and those who require special accommodations, should contact Kirsten Mitchell (contact information listed above).

Tasha Ford,

Committee Management Officer.

[FR Doc. 2021–18430 Filed 8–26–21; 8:45 am]

BILLING CODE 7515–01–P

NATIONAL CREDIT UNION ADMINISTRATION

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: National Credit Union Administration (NCUA).

ACTION: Notice and request for comment.

SUMMARY: The National Credit Union Administration (NCUA), as part of a continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to comment on the following extensions of a currently approved collection, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments should be received on or before October 26, 2021 to be assured consideration.

ADDRESSES: Interested persons are invited to submit written comments on the information collection to Dawn Wolfgang, National Credit Union Administration, 1775 Duke Street, Suite 6032, Alexandria, Virginia 22314; email at *PRAComments@NCUA.gov.* Given the limited in-house staff because of the COVID–19 pandemic, email comments are preferred.

FOR FURTHER INFORMATION CONTACT: Address requests for additional information to Dawn Wolfgang at the address above or telephone 703–548–2279.

SUPPLEMENTARY INFORMATION:

OMB Number: 3133–0183.

Title: Golden Parachute and Indemnification Payments, 12 CFR part 750.

Type of Review: Extension of a currently approved collection.

Abstract: This rule prohibits, in certain circumstances, a federally insured credit union (FICU) from making golden parachute and indemnification payments to an institution-affiliated party (IAP). Section 750.4 prescribed written concurrence of the appropriate state supervisory authority, if applicable; § 750.5 covers recordkeeping requirements of permissible indemnification payments, and § 750.6 requires requests by a troubled FICU to make a severance or golden parachute payment to an IAP, to be submitted in writing to NCUA. The information will be used by the NCUA to determine whether an exception to the general prohibition on golden parachute payments should be approved.

Affected Public: Private Sector: Not-for-profit institutions.

Estimated Number of Respondents: 4.

Estimated Number of Responses per Respondent: 2.25.

Estimated Total Annual Responses: 9.

Estimated Burden Hours per Response: 2.05.

Estimated Total Annual Burden Hours: 19.

Reason for Change: The number of respondents has been update to reflect current estimates and recordkeeping requirements prescribed under § 750.5 are added that were previously omitted.

OMB Number: 3133–0197.

Title: Safe Harbor; Treatment of Financial Assets Transferred in Connection with a Securitization or Participation.

Type of Review: Extension of a currently approved collection.

Abstract: Section 709.9 clarifies the conditions for a safe harbor for securitization or participation and sets forth safe harbor protections for securitizations that do not comply with the new accounting standards for off balance sheet treatment by providing for expedited access to the financial assets that are securitized if they meet the conditions defined in the rule. The conditions contained in the rule will serve to protect the National Credit Union Share Insurance Fund (NCUSIF) and NCUA's interests as liquidating agent or conservator by aligning the conditions for the safe harbor with better and more sustainable lending practices by insured credit unions (FICUs).

Affected Public: Private Sector: Not-for-profit institutions.

Estimated Number of Respondents: 4.

Estimated Number of Responses per Respondent: 9.

Estimated Total Annual Responses: 36.

Estimated Burden Hours per Response: 14.28.

Estimated Total Annual Burden Hours: 514.

Request for Comments: Comments submitted in response to this notice will be summarized and included in the request for Office of Management and Budget approval. All comments will become a matter of public record. The public is invited to submit comments concerning: (a) Whether the collection of information is necessary for the proper execution of the function of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of the information on the respondents, including the use of automated collection techniques or other forms of information technology.

By Melane Conyers-Ausbrooks, Secretary of the Board, the National Credit Union Administration, on August 23, 2021.

Dated: August 24, 2021.

Dawn D. Wolfgang,

NCUA PRA Clearance Officer.

[FR Doc. 2021–18475 Filed 8–26–21; 8:45 am]

BILLING CODE 7535–01–P

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Polar Programs; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation (NSF) announces the following meeting:

Name and Committee Code: Advisory Committee for Polar Programs (1130).

Date and Time: September 23, 2021; 10:30 a.m.–4:30 p.m.

September 24, 2021; 10:30 a.m.–4:30 p.m.

Place: National Science Foundation, 2415 Eisenhower Avenue, Alexandria, Virginia 22314 | Virtual.

Registration for the virtual meeting will be available two weeks prior to the meeting date and will be located on the website: *https://www.nsf.gov/geo/opp/advisory.jsp.*

Type of Meeting: Open.

Contact Person: Beverly Walker, National Science Foundation, 2415 Eisenhower Avenue, Virginia 22314; Telephone: (703) 292–2614.

Minutes: May be obtained from the contact person listed above.

Purpose of Meeting: To provide advice and recommendations to the National Science Foundation concerning support for polar research, education, infrastructure and logistics, and related activities.

Agenda

September 23, 2021; 10:30 a.m.–4:30 p.m. (Virtual)

- COVID 19 Impacts
- Advisory Committee Liaison Updates
- *Joint Session:* Polar Programs (OPP) and Advisory Committee on Cyberinfrastructure (ACCI)
- NSF GEO Activities Updates

September 24, 2021; 10:30 a.m.–4:30 p.m. (Virtual)

- Research Security and International Partnerships
- Meeting with the NSF Director & Chief Operating Officer
- NSF GEO Activities Updates
- USAP Polar Vessel Requirements Updates
- Discussion regarding Subcommittee on Diversity, Equity, & Inclusion

Dated: August 23, 2021.

Crystal Robinson,

Committee Management Officer.

[FR Doc. 2021–18405 Filed 8–26–21; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on the Medical Uses of Isotopes: Meeting Notice

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of meeting.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) will convene a meeting of the Advisory Committee on the Medical Uses of Isotopes (ACMUI) on October 4, 2021. A sample of agenda items to be discussed during the public session includes: (1) A discussion of the ACMUI's review and analysis of medical events from fiscal years 2017 to 2020; (2) a discussion of the ACMUI's subcommittee report on radionuclide generator knowledge and practice requirements; (3) a discussion of the ACMUI's subcommittee report on emerging radiopharmaceutical therapy knowledge requirements in theranostics; (4) a discussion on production challenges for therapeutic radiopharmaceuticals; and (5) a discussion on the future of personalized dosimetry. The agenda is subject to

change. The current agenda and any updates will be available on the ACMUI's Meetings and Related Documents web page at *https://www.nrc.gov/reading-rm/doc-collections/acmui/meetings/2021.html* or by emailing Ms. Kellee Jamerson at the contact information below.

Purpose: Discuss issues related to 10 CFR part 35 Medical Use of Byproduct Material.

Date and Time for Open Session: October 4, 2021, from 10:00 a.m. to 4:00 p.m.

Date	Webinar information
October 4, 2021	*Link: https://usnrc.webex.com. Event number:* 199 227 5195.

Date and Time for Closed Session: October 5, 2021, from 12:00 p.m. to 2:00 p.m. Eastern Standard Time. This session will be closed to conduct the ACMUI's required annual training.

Public Participation: The meeting will be held as a webinar using the WebEx meeting platform. Any member of the public who wishes to participate in any open sessions of this meeting should register in advance of the meeting by visiting the link and entering the event number(s) provided above. Upon successful registration, a confirmation email will be generated providing the telephone bridge line and a link to join the webinar on the day of the meeting. Members of the public should also monitor the NRC's Public Meeting Schedule at *https://www.nrc.gov/pmns/mtg* for any meeting updates. If there are any questions regarding the meeting, persons should contact Ms. Jamerson using the information below.

Contact Information: Ms. Kellee Jamerson, email: *Kellee.Jamerson@nrc.gov,* telephone: 301–415–7408.

Conduct of the Meeting

Darlene F. Metter, M.D. will chair the meeting. Dr. Metter will conduct the meeting in a manner that will facilitate the orderly conduct of business. The following procedures apply to public participation in the meeting:

1. Persons who wish to provide a written statement should submit an electronic copy to Ms. Jamerson using the contact information listed above. All submittals must be received by the close of business on September 28, 2021, three business days before the meeting, and must pertain to the topics on the agenda for the meeting.

2. Questions and comments from members of the public will be permitted during the meeting, at the discretion of the Chairman.

3. The draft transcript and meeting summary will be available on ACMUI's website *https://www.nrc.gov/reading-rm/doc-collections/acmui/meetings/2021.html* on or about November 19, 2021.

4. Persons who require special services, such as those for the hearing impaired, should notify Ms. Jamerson of their planned participation.

This meeting will be held in accordance with the Atomic Energy Act of 1954, as amended (primarily Section 161a); the Federal Advisory Committee Act (5 U.S.C. app); and the Commission's regulations in title 10 of the *Code of Federal Regulations,* part 7.

Dated at Rockville, Maryland this 24th day of August, 2021.

For the U.S. Nuclear Regulatory Commission.

Russell E. Chazell,

Federal Advisory Committee Management Officer.

[FR Doc. 2021–18514 Filed 8–26–21; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–92728; File No. SR–PEARL–2021–38]

Self-Regulatory Organizations: MIAX PEARL, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the MIAX Pearl Options Fee Schedule To Adjust the Options Regulatory Fee

August 23, 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, MIAX PEARL, LLC (''MIAX Pearl'' 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.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing a proposal to amend the MIAX Pearl Options Fee Schedule (the ''Fee Schedule'') to adjust the Options Regulatory Fee (''ORF'').

The text of the proposed rule change is available on the Exchange's website at *http://www.miaxoptions.com/rule-filings/pearl* at MIAX Pearl's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Currently, the Exchange assesses ORF in the amount of $0.0028 per contract side. The Exchange proposes to reduce the amount of ORF from $0.0028 per contract side to $0.0018 per contract side in order 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. The Exchange's proposed change to the ORF should balance the Exchange's regulatory revenue against the anticipated regulatory costs. The Exchange initially filed this proposal on July 30, 2021 (SR–PEARL–2021–37) and withdrew such filing on August 12, 2021. The Exchange proposes to implement the fee change effective August 12, 2021.

Collection of ORF

Currently, the Exchange assesses the per-contract ORF to each Member [3] for all options transactions, including Mini Options, cleared or ultimately cleared by the Member, which are cleared by the Options Clearing Corporation (''OCC'') in the ''customer'' range,[4] regardless of the exchange on which the transaction occurs. The ORF is collected

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The term ''Member'' means an individual or organization that is registered with the Exchange pursuant to Chapter II of Exchange Rules for purposes of trading on the Exchange as an ''Electronic Exchange Member'' or ''Market Maker.'' Members are deemed ''members'' under the Exchange Act. *See* the Definitions Section of the Fee Schedule and Exchange Rule 100.

[4] Exchange participants must record the appropriate account origin code on all orders at the time of entry in order. The Exchange represents that it has surveillances in place to verify that Members mark orders with the correct account origin code.

by OCC on behalf of the Exchange from either: (1) A Member that was the ultimate clearing firm for the transaction; or (2) a non-Member that was the ultimate clearing firm where a Member was the executing clearing firm for the transaction. The Exchange uses reports from OCC to determine the identity of the executing clearing firm and ultimate clearing firm.

To illustrate how the Exchange assesses and collects ORF, the Exchange provides the following set of examples. For a transaction that is executed on the Exchange and the ORF is assessed, if there is no change to the clearing account of the original transaction, then the ORF is collected from the Member that is the executing clearing firm for the transaction (the Exchange notes that, for purposes of the Fee Schedule, when there is no change to the clearing account of the original transaction, the executing clearing firm is deemed to be the ultimate clearing firm). If there is a change to the clearing account of the original transaction (*i.e.,* the executing clearing firm ''gives-up'' or ''CMTAs'' [5] the transaction to another clearing firm), then the ORF is collected from the clearing firm that ultimately clears the transaction—the ''ultimate clearing firm.'' The ultimate clearing firm may be either a Member or non-Member of the Exchange. If the transaction is executed on an away exchange and the ORF is assessed, then the ORF is collected from the ultimate clearing firm for the transaction. Again, the ultimate clearing firm may be either a Member or non-Member of the Exchange. The Exchange notes, however, that when the transaction is executed on an away exchange, the Exchange does not assess the ORF when neither the executing clearing firm nor the ultimate clearing firm is a Member (even if a Member is ''given-up'' or ''CMTAed'' and then such Member subsequently ''gives-up'' or ''CMTAs'' the transaction to another non-Member via a CMTA reversal). Finally, the Exchange does not assess the ORF on outbound linkage trades, whether executed at the Exchange or an away exchange. ''Linkage trades'' are tagged in the Exchange's system, so the Exchange can readily tell them apart from other trades. A customer order routed to another exchange results in two customer trades, one from the originating exchange and one from the recipient exchange. Charging ORF on both trades could result in double-billing of ORF for a single customer order; thus, the Exchange does not assess ORF on outbound linkage trades in a linkage scenario. This assessment practice is identical to the assessment practice currently utilized by the Exchange's affiliates, Miami International Securities Exchange, LLC (''MIAX'') and MIAX Emerald, LLC (''MIAX Emerald'').[6]

As a practical matter, when a transaction that is subject to the ORF is not executed on the Exchange, the Exchange lacks the information necessary to identify the order-entering member for that transaction. There are a multitude of order-entering market participants throughout the industry, and such participants can make changes to the market centers to which they connect, including dropping their connection to one market center and establishing themselves as participants on another. For these reasons, it is not possible for the Exchange to identify, and thus assess fees such as ORF, on order-entering participants on away markets on a given trading day. Clearing members, however, are distinguished from order-entering participants because they remain identified to the Exchange on information the Exchange receives from OCC regardless of the identity of the order-entering participant, their location, and the market center on which they execute transactions. Therefore, the Exchange believes it is more efficient for the operation of the Exchange and for the marketplace as a whole to collect the ORF from clearing members.

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.

As discussed below, the Exchange believes it is appropriate to charge the ORF only to transactions that clear as customer at the OCC. The Exchange believes that its broad regulatory responsibilities with respect to a Member's activities supports applying the ORF to transactions cleared but not executed by a Member. The Exchange's regulatory responsibilities are the same regardless of whether a Member enters a transaction or clears a transaction executed on its behalf. The Exchange regularly reviews all such activities, including performing surveillance for position limit violations, manipulation, front-running, contrary exercise advice violations and insider trading. These activities span across multiple exchanges.

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 Members' 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 the Office of the General Counsel, technology, and internal audit. Indirect expenses are estimated to be approximately 50% of the total regulatory costs for 2021. Thus, direct expenses are estimated to be approximately 50% of total regulatory costs for 2021. The Exchange notes that its estimated direct and indirect expense percentages are in the range and similar to those at other options exchanges.[7]

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 reduce the amount of ORF that will be collected by the Exchange from $0.0028 per contract side to $0.0018 per contract side. The Exchange issued an Options Regulatory Fee Announcement on July

[5] ''CMTA'' or Clearing Member Trade Assignment is a form of ''give-up'' whereby the position will be assigned to a specific clearing firm at OCC.

[6] *See* Securities Exchange Act Release Nos. 85162 (February 15, 2019), 84 FR 5783 (February 22, 2019) (SR–MIAX–2019–01); 85251 (March 6, 2019), 84 FR 8931 (March 12, 2019) (SR–EMERALD–2019–01).

[7] *See* Securities Exchange Act Release Nos. 91418 (March 26, 2021), 86 FR 17254 (April 1, 2021) (SR–Phlx–2021–16) (reducing the Nasdaq PHLX LLC ORF and estimating direct expenses at 58% and indirect expenses at 42%); 91420 (March 26, 2021), 86 FR 17223 (April 1, 2021) (SR–ISE–2021–04) (reducing the Nasdaq ISE, LLC ORF and estimating direct expenses at 58% and indirect expenses at 42%).

2, 2021, indicating the proposed rate change for August 1, 2021.[8]

The proposed decrease is based on recent options volumes, which included an increase in retail investors. With respect to options volume, the Exchange, and the options industry as a whole, experienced a significant increase between 2020 and 2021. For example, total options contract volumes in April, May and June 2021 were 29.7%, 32.7% and 25.6% higher than the total options contract volumes in April, May and June 2020, respectively.[9]

There can be no assurance that the Exchange's final costs for 2021 will not differ materially from these expectations, 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 that will run in excess of the Exchange's estimated regulatory costs for the year.[10] Particularly, as noted above, the options market has seen a substantial increase in volume throughout 2020 and 2021, due in large part to the 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 decrease the ORF in order to ensure it does not exceed its regulatory costs for the year. Particularly, the Exchange believes that decreasing the ORF when combined with 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.[11]

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 the Exchange's total regulatory costs. The Exchange will continue to monitor MIAX Pearl regulatory costs and revenues at a minimum on a semi-annual basis. If the Exchange determines regulatory revenues exceed or are insufficient to cover a material portion of its regulatory costs, the Exchange will adjust the ORF by submitting a fee change filing to the Commission. The Exchange will notify Members of adjustments to the ORF via regulatory circular at least 30 days prior to the effective date of the change.

In connection with this filing, the Exchange notes that its affiliates, MIAX and MIAX Emerald, will also be adjusting the ORF fees that each of those exchanges charge.

2. Statutory Basis

The Exchange believes that its proposal to amend its Fee Schedule is consistent with Section 6(b) of the Act[12] in general, and furthers the objectives of Section 6(b)(4) of the Act[13] in particular, in that it is an equitable allocation of reasonable dues, fees, and other charges among its members and issuers and other persons using its facilities. The Exchange also believes the proposal furthers the objectives of Section 6(b)(5) of the Act[14] in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest and is not designed to permit unfair discrimination between customers, issuers, brokers and dealers.

The Exchange believes the proposed fee change is reasonable because customer transactions will be subject to a lower ORF fee than the current rate. Moreover, the proposed reduction is necessary in order for the Exchange to 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 ORF is designed to recover a material portion of the costs of supervising and regulating Members' customer options business including performing routine surveillances and investigations, as well as policy, rulemaking, interpretive and enforcement activities. The Exchange will 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 the Exchange's total regulatory costs. The Exchange has designed the ORF to generate revenues that, when combined with all of the Exchange's other regulatory fees, will be less than or equal to the Exchange's regulatory costs, which is consistent with the Commission's view that regulatory fees be used for regulatory purposes and not to support the Exchange's business side. In this regard, the Exchange believes that the proposed decrease to the fee is reasonable.

The Exchange believes that continuing to limit changes to the ORF to twice a year on specific dates with advance notice is reasonable because it gives participants certainty on the timing of changes, if any, and better enables them to properly account for ORF charges among their customers. The Exchange believes that continuing to limit changes to the ORF to twice a year on specific dates is equitable and not unfairly discriminatory because it will apply in the same manner to all Members that are subject to the ORF and provide them with additional advance notice of changes to that fee.

The Exchange believes that collecting the ORF from non-Members when such non-Members ultimately clear the transaction (that is, when the non-Member is the ''ultimate clearing firm'' for a transaction in which a Member was assessed the ORF) is an equitable allocation of reasonable dues, fees, and other charges among its members and issuers and other persons using its facilities. The Exchange notes that there is a material distinction between ''assessing'' the ORF and ''collecting'' the ORF. The ORF is only assessed to a Member with respect to a particular transaction in which it is either the executing clearing firm or ultimate clearing firm. The Exchange does not assess the ORF to non-Members. Once, however, the ORF is assessed to a Member for a particular transaction, the ORF may be collected from the Member or a non-Member, depending on how the transaction is cleared at OCC. If there was no change to the clearing account of the original transaction, the ORF would be collected from the Member. If there was a change to the clearing account of the original transaction and a non-Member becomes the ultimate clearing firm for that transaction, then the ORF will be

[8] *See https://www.miaxoptions.com/sites/default/files/circular-files/MIAX_Pearl_Options_RC_2021_29.pdf.*

[9] *See* data from OCC at: *https://www.businesswire.com/news/home/20210504005178/en/OCC-April-2021-Total-Volume-Up-29.7-Percent-from-a-Year-Ago, https://www.businesswire.com/news/home/20210602005174/en/OCC-May-2021-Total-Volume-Up-32.7-Percent-from-a-Year-Ago, and https://apnews.com/press-release/business-wire/778385e696f4407590cc6ff9cb64db03.*

[10] The Exchange notes that notwithstanding the potential excess ORF revenue the Exchange anticipates it would collect utilizing the current rate, it would not use such revenue for non-regulatory purposes.

[11] The Exchange notes that its regulatory responsibilities with respect to Member compliance with options sales practice rules have been allocated to the Financial Industry Regulatory Authority (''FINRA'') under a 17d–2 Agreement. The ORF is not designed to cover the cost of options sales practice regulation.

[12] 15 U.S.C. 78f(b).

[13] 15 U.S.C. 78f(b)(4).

[14] 15 U.S.C. 78f(b)(5).

collected from that non-Member. The Exchange believes that this collection practice continues to be reasonable and appropriate, and was originally instituted for the benefit of clearing firms that desired to have the ORF be collected from the clearing firm that ultimately clears the transaction.

The Exchange designed the ORF so that revenue generated from the ORF, 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 taking into account the recent options volume, which included an increase in customer options transactions, it estimates the ORF will generate revenues that may cover more than the approximated Exchange's projected regulatory costs. Moreover, when coupled with the Exchange's other regulatory fees and revenues, the Exchange estimates ORF to generate over 100% of the Exchange's projected regulatory costs. As such, the Exchange believes it is reasonable and appropriate to decrease the ORF amount from $0.0028 to $0.0018 per contract side.

The Exchange also believes the proposed fee change is equitable and not unfairly discriminatory in that it is charged to all Members on all their transactions that clear in the customer range at the OCC,[15] with an exception.[16] The Exchange believes the ORF ensures fairness by assessing higher fees to those members that require more Exchange regulatory services based on the amount of customer options business they conduct. 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. 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. Moreover, 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'') [17] 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.

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. This proposal does not create an unnecessary or inappropriate intra-market 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. The Exchange notes, however, the proposed change is not designed to address any competitive issues. Indeed, this proposal 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

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act,[18] and Rule 19b–4(f)(2) [19] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File No. SR–PEARL–2021–38 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.

[15] If the OCC clearing member is an Exchange Member, ORF is assessed and collected on all cleared customer contracts (after adjustment for CMTA); and if the OCC clearing member is not an Exchange Member, ORF is collected only on the cleared customer contracts executed at the Exchange, taking into account any CMTA instructions which may result in collecting the ORF from a non-Member.

[16] When a transaction is executed on an away exchange, the Exchange does not assess the ORF when neither the executing clearing firm nor the ultimate clearing firm is a Member (even if a Member is ''given-up'' or ''CMTAed'' and then such Member subsequently ''gives-up'' or ''CMTAs'' the transaction to another non-Member via a CMTA reversal).

[17] ISG is an industry organization formed in 1983 to coordinate intermarket surveillance among the SROs by cooperatively sharing regulatory information pursuant to a written agreement between the parties. The goal of the ISG's information sharing is to coordinate regulatory efforts to address potential intermarket trading abuses and manipulations.

[18] 15 U.S.C. 78s(b)(3)(A)(ii).

[19] 17 CFR 240.19b–4(f)(2).

All submissions should refer to File No. SR–PEARL–2021–38. 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–PEARL–2021–38, and should be submitted on or before September 17, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[20]

Jill M. Peterson,

Assistant Secretary.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–92723; File No. SR–LCH SA–2021–002]

Self-Regulatory Organizations; LCH SA; Notice of Filing of Proposed Rule Change Relating to Eligible Collateral and Liquidity Risk Management

August 23, 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 18, 2021, Banque Centrale de Compensation, which conducts business under the name LCH SA (''LCH SA''), filed with the Securities and Exchange Commission (''Commission'') the proposed rule change (''Proposed Rule Change'') described in Items I, II and III below, which Items have been primarily prepared primarily by LCH SA. The Commission is publishing this notice to solicit comments on the Proposed Rule Change from interested persons.

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

(a) Banque Centrale de Compensation, which conducts business under the name LCH SA, is proposing to expand the non-cash collateral that a Clearing Member [3] may post with LCH SA to meet the member's margin requirements (the ''Eligible Collateral'') to include certain additional non-Euro government bonds by (i) amending its CDS Clearing Rulebook (the ''Rule Book'') to clarify that such additional non-Euro government bonds are excluded from the Pledged Eligible Collateral, and (ii) publishing a new Clearing Notice, in accordance with Article 4.2.6.1 of the CDS Clearing Rule Book, specifying the additional acceptable non-Euro government bonds. LCH SA is also proposing to expand the custodians at which Clearing Members may deposit Eligible Collateral by adding Clearstream Banking Luxembourg as a central securities depository for LCH SA in Section 3 of the CDS Clearing Procedures—Collateral, Variation Margin and Cash Payment. Finally, LCH SA is proposing to amend its Liquidity Risk Modelling Framework (the ''Framework'') to take into account the expanded list of Eligible Collateral.

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, LCH SA 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. LCH SA has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Proposed Rule Change is being adopted to expand the non-Euro government bonds that a Clearing Member may post with LCH SA in order to satisfy the clearing member's margin requirements. Currently, the only non-Euro Eligible Collateral are Gilts, issued by the United Kingdom, and Treasury Bills, issued by the United States. LCH SA is proposing to expand the list of Eligible Collateral in response to clearing member requests and in order to harmonize permitted Eligible Collateral with the Eligible Collateral permitted to satisfy clearing member margin requirements at LCH SA's affiliate LCH Limited.[4]

To effect this change, LCH SA is proposing to issue a new Clearing Notice identifying the additional non-Euro Eligible Collateral, defined as ''New Instruments'' in the Clearing Notice.[5] LCH SA has determined that (i) each of the non-Euro jurisdictions whose bonds have been added have a high credit score, and (ii) each of the New Instruments has sufficient liquidity.[6] However, because the European Central Bank will not convert the additional non-Euro Eligible Collateral to Euros and LCH SA currently does not otherwise have the operational capacity to convert the additional non-Euro Eligible Collateral to Euros, the Clearing Notice will also provide that non-Euro Eligible Collateral may satisfy no more than 15 percent (15%) of a Clearing Member's total margin requirements.

In addition, the Clearing Notice will provide that the New Instruments will not be eligible as ''Pledged Eligible Collateral'' and, therefore, may not be pledged in accordance with a pledge agreement entered into between LCH SA

[20] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Capitalized terms used but not defined herein shall have the meaning specified in the Rule Book, the Clearing Supplement, the Procedures and the Clearing Regulations, as applicable.

[4] LCH Limited is a recognized central counterparty supervised in the United Kingdom by the Bank of England and a derivatives clearing organization registered with the Commodity Futures Trading Commission.

[5] The additional non-Euro Eligible Collateral, identified as ''New Instruments'' in the Clearing Notice, include: (i) Australian Treasury Bills and Government Bonds; (ii) Canadian Treasury Bills and Government Bonds; (iii) Danish Treasury Bills and Government Bonds; (iv) Japanese Treasury Bills, Treasury Discount Bills, and Government Bonds; (v) Norwegian Treasury Bills and Government Bonds; (vi) Swedish Treasury Bills and Government Bonds; and (vii) Swiss Treasury Bills and Government Bonds. The complete list of Eligible Collateral, together with all applicable haircuts, is also found on LCH SA's website as set out in Paragraph 3.9 of the Procedures.

[6] Only instruments with a minimum outstanding amount of €500 million or greater will be eligible to be posted with LCH SA.

and a clearing member having exercised its option to transfer Eligible Collateral to LCH SA through a Belgian law security interest. Accordingly, the definition of ''Pledged Eligible Collateral'' in Section 1.1.1 of the CDS Clearing Rule Book will be revised to provide that the term ''Pledged Eligible Collateral'' means ''Eligible Collateral as described in a Clearing Notice which is pledged in accordance with a Pledge Agreement.''

Separately, LCH SA is proposing to revise Section 3 of its CDS Clearing Procedures—Collateral, Variation Margin and Cash Payment, in several places to add Clearstream Banking Luxembourg as a central securities depository for LCH SA.[7] Finally, as noted above, LCH SA is also proposing to amend the Framework to take into account the expanded list of Eligible Collateral. The Framework is one of several policies and procedures that LCH SA maintains to manage its liquidity risk, *i.e.,* the risk that LCH SA will not have enough cash available, in extreme but plausible circumstances, to settle margin payments or delivery obligations when they become due, in particular upon the default of a clearing member. The Framework describes the Liquidity Stress Testing framework by which the Collateral and Liquidity Risk Management department (''CaLRM'') of LCH Group Holdings Limited (''LCH Group'') assures that LCH SA has enough cash available to meet any financial obligations, both expected and unexpected, that may arise over the liquidation period for each of the clearing services that LCH SA offers.[8]

In particular, because the European Central Bank will not convert the additional non-Euro Eligible Collateral to Euros and LCH SA currently does not otherwise have the operational capacity to convert the additional non-Euro Eligible Collateral to Euros, LCH SA is proposing to amend Section 4.1.3 and Section 4.1.4 of the Framework to make clear that the additional non-Euro Eligible Collateral will be excluded from the calculation of LCH SA's liquidity resources.[9]

Unrelated to the expansion of non-Euro Eligible Collateral, LCH SA is also proposing to amend the Framework to clarify certain Sections and update certain tables and formula. In this regard:

- Section 4.1.1, Description of sources of liquidity, will be revised to clarify that, with limited exceptions,[10] LCH SA generally receives Collateral on a full title transfer basis, which permits LCH SA to use such collateral, to offset it with all related claims and to consider such Collateral available for liquidity purposes.
- Section 4.1.3, Assessment of assets' liquidity, will be revised to clarify that Collateral deposited under the pledge regime may be used for liquidity purposes only if the clearing member pledging such Collateral has defaulted.[11]
- Section 4.2.1.4, Update of the figures of the liquidity injected in the settlement system to smooth settlement activity. Figures are updated periodically in line with the flow observed on the CSD and ICSD.
- Section 5.1.1, Overview of the Monitoring liquidity, will be revised to clarify that LCH SA has a group policy that allows LCH SA to perform an extraordinary margin call if liquidity deteriorates.
- Section 5.3.1, Liquidity Coverage Ratio (LCR), Overview, will be revised to explain that the LCR is an internal ratio similar, but not equivalent, to the banking metric defined in the Basel III framework and is used to ensure compliance with EMIR.
- Section 5.3.1.1, Liquidity requirements Assumptions per clearing services RepoClear, will be revised to update the formula for calculating market risk in RepoClear transactions.
- Section 5.3.1.3, Cash Equity, will be revised to clarify the treatment of settlement risk to account for early exercise of American-style options.
- Sections 5.3.1.4, Listed derivatives, 5.3.1.5, Credit Default Swaps, and 5.3.4, Cover 2 selection, will be revised to clarify that the calculation of LCR liability components include spread shifts and implied volatility shifts.
- Section 5.3.4, Clarification that for cover 2 selection the calculation of stressed VM for Cash Equity and Listed Derivatives includes scenario based on price shifts and implied volatility shifts.
- Section 5.3.5, A note will be added to specify that the new non cash securities will be excluded from the LCR assets, in line with amendment in section 4.1.3.
- Section 5.4.3, A will be added to specify that in line with general Cover 2 LCR also for the CC&G LCR the new non euro securities will be excluded from the liquid assets, in line amendments in sections 4.1.3. and 5.3.5.
- Section 5.5, A duplicated sentence was deleted.
- Section 5.5.1, will be revised to clarify that Non Euro non cash collateral are not European Central Bank eligible assets and that when considering multiple defaults the clearing members with the worst credit quality are assumed defaulting first.
- Appendix 3 and 5 will be updated to add of the overdraft facility in place with Citibank that allows the CCP to source non Euro currencies in case of liquidity needs.

2. Statutory Basis

LCH SA has determined that the Proposed Rule Change is consistent with the requirements of Section 17A of the Act[12] and regulations thereunder applicable to it. Section 17A(b)(3)(F) of the Act requires, *inter alia,* that the rules of a clearing agency should be designed to ''assure the safeguarding of securities and funds that are in its custody or control or for which it is responsible.''[13] In addition, Regulation 17Ad–22(e)(4)(ii) requires a central counterparty (''CCP'') that is involved in activities with a more complex risk profile, *e.g.,* that provides CCP services for security-based swaps, to maintain and enforce written policies and procedures reasonably designed to effectively ''measure, monitor, and manage its credit exposures from its payment, clearing and settlement processes'' to assure that it maintains additional financial resources to enable it to cover a wide range of stress scenarios that include the default of two participant family clearing members that would potentially cause the largest aggregate liquidity exposure for the CCP in extreme but plausible market conditions.[14] Further, Regulation 17Ad–22(e)(5) requires a CCP to limit the assets that it accepts as collateral ''to those with low credit, liquidity and market risks and enforce appropriately conservative haircuts and concentration limits''.[15]

The additional non-Euro Eligible Collateral that LCH SA is proposing to permit clearing members to post with

[7] *See,* Paragraph 3.4(d)(i); Paragraph 3.10(a), (b) and (c); and Paragraph 3.12(b) of Section 3 of the CDS Clearing Procedures.

[8] In addition to its CDSClear service, LCH SA provides clearing services in connection with cash equities and derivatives listed for trading on Euronext (EquityClear), commodity derivatives listed for trading on Euronext (CommodityClear), and triparty and bilateral Repo transactions (EuroGC+ and RepoClear).

[9] *See, also,* Section 5.2.1.1, Assumptions, footnotes 20 and 2; Section 5.3.5, LCR Calculation, footnote 26; and Section 5.4.3, CC&G LCR Calculation.

[10] The two exceptions are: (i) Collateral deposited under the regime of pledge; and (ii) Collateral deposited through a central bank guarantee.

[11] This clarification is repeated in Section 4.1.4, Synthesis.

[12] 15 U.S.C. 78q–1.

[13] 15 U.S.C. 78q–1(b)(3)(F).

[14] 17 CFR 240.17Ad–22(e)(4)(ii).

[15] 17 CFR 240.17Ad–22(e)(5).

LCH SA to satisfy the clearing member's margin requirements is limited to sovereign debt that is issued by jurisdictions that have a high credit score and subject to conservative haircuts. Further, LCH SA has determined that non-Euro Eligible Collateral may be taken into account to satisfy no more than 15 percent (15%) of a clearing member's total margin requirements and, importantly, will be excluded from the calculation of LCH SA's liquidity resources.[16] As such, the amendments to Section 3 of the CDS Clearing Procedures and, in particular, the Framework continue to assure that LCH SA (i) maintains additional financial resources to enable it to cover a wide range of stress scenarios, and (ii) limits the assets that it accepts as collateral to those with low credit, liquidity and market risks and appropriately conservative haircuts and concentration limits. Therefore, the amendments are consistent with the requirements of Section 17A(b)(3)(F) of the Act and Regulation 17Ad–22(e)(4)(ii) and Regulation 17Ad–22(e)(5).

As noted above, Section 17A(b)(3)(F) of the Act requires, *inter alia,* that the rules of a clearing agency ''assure the safeguarding of securities and funds that are in its custody or control or for which it is responsible.'' [17] The amendments to the Framework unrelated to the expansion of non-Euro Eligible Collateral clarify certain Sections and update certain tables and formula. As such, the clarifications set out in the amended Framework enhance LCH SA's ability to assure the safeguarding of securities and funds that are in its custody or control or for which it is responsible. For example, the amendments clarify that: (i) LCH SA generally receives Collateral on a full title transfer basis, which permits LCH SA to use such collateral, to offset it with all related claims and to consider such Collateral available for liquidity purposes; (ii) Collateral deposited under the pledge regime may be used for liquidity purposes only if the clearing member pledging such Collateral has defaulted; (iii) LCH SA is able to perform an extraordinary margin call if liquidity deteriorates; and (iv) the calculation of LCR liability components include spread shifts and implied volatility shifts. The amendments to the Framework, therefore, are consistent with the requirements of Section 17A(b)(3)(F) of the Act.

B. Clearing Agency's Statement on Burden on Competition

Section 17A(b)(3)(I) of the Act requires that the rules of a clearing agency not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.[18] LCH SA does not believe the Proposed Rule Change would have any impact, or impose any burden, on competition. The Proposed Rule Change does not address any competitive issue or have any impact on the competition among central counterparties. LCH SA operates an open access model, and the Proposed Rule Change will have no effect on this model.

C. Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments relating to the Proposed Rule Change have not been solicited or received. LCH SA will notify the Commission of any written comments received by LCH SA.

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 such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

- 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–LCH SA–2021–002 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–LCH SA–2021–002. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filings will also be available for inspection and copying at the principal office of LCH SA and on LCH SA's website at *https://www.lch.com/resources/rulebooks/proposed-rule-changes.*

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–LCH SA–2021–002 and should be submitted on or before September 17, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[19]

Jill M. Peterson,

Assistant Secretary.

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[16] Because non-Euro Eligible Collateral may be taken into account to satisfy no more than 15 percent (15%) of a clearing member's total margin requirements, LCH SA has determined that specific concentration limits are unnecessary.

[17] 15 U.S.C. 78q–1(b)(3)(F).

[18] 15 U.S.C. 78q–1(b)(3)(I).

[19] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–92725; File No. SR–MIAX–2021–38]

Self-Regulatory Organizations: Miami International Securities Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Fee Schedule To Adjust the Options Regulatory Fee

August 23, 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, Miami International Securities Exchange LLC (''MIAX'' 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.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing a proposal to amend the MIAX Options Fee Schedule (the ''Fee Schedule'') to adjust the Options Regulatory Fee (''ORF'').

The text of the proposed rule change is available on the Exchange's website at *http://www.miaxoptions.com/rule-filings,* at MIAX's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Currently, the Exchange assesses ORF in the amount of $0.0029 per contract side. The Exchange proposes to reduce the amount of ORF from $0.0029 per contract side to $0.0019 per contract side in order 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. The Exchange's proposed change to the ORF should balance the Exchange's regulatory revenue against the anticipated regulatory costs. The Exchange initially filed this proposal on July 30, 2021 (SR–MIAX–2021–36) and withdrew such filing on August 12, 2021. The Exchange proposes to implement the fee change effective August 12, 2021.

Collection of ORF

Currently, the Exchange assesses the per-contract ORF to each Member [3] for all options transactions, including Mini Options, cleared or ultimately cleared by the Member, which are cleared by the Options Clearing Corporation (''OCC'') in the ''customer'' range,[4] regardless of the exchange on which the transaction occurs. The ORF is collected by OCC on behalf of the Exchange from either: (1) A Member that was the ultimate clearing firm for the transaction; or (2) a non-Member that was the ultimate clearing firm where a Member was the executing clearing firm for the transaction. The Exchange uses reports from OCC to determine the identity of the executing clearing firm and ultimate clearing firm.

To illustrate how the Exchange assesses and collects ORF, the Exchange provides the following set of examples. For a transaction that is executed on the Exchange and the ORF is assessed, if there is no change to the clearing account of the original transaction, then the ORF is collected from the Member that is the executing clearing firm for the transaction (the Exchange notes that, for purposes of the Fee Schedule, when there is no change to the clearing account of the original transaction, the executing clearing firm is deemed to be the ultimate clearing firm). If there is a change to the clearing account of the original transaction (*i.e.,* the executing clearing firm ''gives-up'' or ''CMTAs'' [5] the transaction to another clearing firm), then the ORF is collected from the clearing firm that ultimately clears the transaction—the ''ultimate clearing firm.'' The ultimate clearing firm may be either a Member or non-Member of the Exchange. If the transaction is executed on an away exchange and the ORF is assessed, then the ORF is collected from the ultimate clearing firm for the transaction. Again, the ultimate clearing firm may be either a Member or non-Member of the Exchange. The Exchange notes, however, that when the transaction is executed on an away exchange, the Exchange does not assess the ORF when neither the executing clearing firm nor the ultimate clearing firm is a Member (even if a Member is ''given-up'' or ''CMTAed'' and then such Member subsequently ''gives-up'' or ''CMTAs'' the transaction to another non-Member via a CMTA reversal). Finally, the Exchange does not assess the ORF on outbound linkage trades, whether executed at the Exchange or an away exchange. ''Linkage trades'' are tagged in the Exchange's system, so the Exchange can readily tell them apart from other trades. A customer order routed to another exchange results in two customer trades, one from the originating exchange and one from the recipient exchange. Charging ORF on both trades could result in double-billing of ORF for a single customer order; thus, the Exchange does not assess ORF on outbound linkage trades in a linkage scenario. This assessment practice is identical to the assessment practice currently utilized by the Exchange's affiliates, MIAX PEARL, LLC (''MIAX Pearl'') and MIAX Emerald, LLC (''MIAX Emerald'').[6]

As a practical matter, when a transaction that is subject to the ORF is not executed on the Exchange, the Exchange lacks the information necessary to identify the order-entering member for that transaction. There are a multitude of order-entering market participants throughout the industry, and such participants can make changes to the market centers to which they connect, including dropping their connection to one market center and establishing themselves as participants

[3] The term ''Member'' means an individual or organization approved to exercise the trading rights associated with a Trading Permit. Members are deemed ''members'' under the Exchange Act. *See* Exchange Rule 100.

[4] Exchange participants must record the appropriate account origin code on all orders at the time of entry in order. The Exchange represents that it has surveillances in place to verify that Members mark orders with the correct account origin code.

[5] ''CMTA'' or Clearing Member Trade Assignment is a form of ''give-up'' whereby the position will be assigned to a specific clearing firm at OCC.

[6] *See* Securities Exchange Act Release Nos. 85163 (February 15, 2019), 84 FR 5798 (February 22, 2019) (SR–PEARL–2019–01); 85251 (March 6, 2019), 84 FR 8931 (March 12, 2019) (SR–EMERALD–2019–01).

on another. For these reasons, it is not possible for the Exchange to identify, and thus assess fees such as ORF, on order-entering participants on away markets on a given trading day. Clearing members, however, are distinguished from order-entering participants because they remain identified to the Exchange on information the Exchange receives from OCC regardless of the identity of the order-entering participant, their location, and the market center on which they execute transactions. Therefore, the Exchange believes it is more efficient for the operation of the Exchange and for the marketplace as a whole to collect the ORF from clearing members.

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.

As discussed below, the Exchange believes it is appropriate to charge the ORF only to transactions that clear as customer at the OCC. The Exchange believes that its broad regulatory responsibilities with respect to a Member's activities supports applying the ORF to transactions cleared but not executed by a Member. The Exchange's regulatory responsibilities are the same regardless of whether a Member enters a transaction or clears a transaction executed on its behalf. The Exchange regularly reviews all such activities, including performing surveillance for position limit violations, manipulation, front-running, contrary exercise advice violations and insider trading. These activities span across multiple exchanges.

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 Members' 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 the Office of the General Counsel, technology, and internal audit. Indirect expenses are estimated to be approximately 48% of the total regulatory costs for 2021. Thus, direct expenses are estimated to be approximately 52% of total regulatory costs for 2021. The Exchange notes that its estimated direct and indirect expense percentages are in the range and similar to those at other options exchanges.[7]

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 reduce the amount of ORF that will be collected by the Exchange from $0.0029 per contract side to $0.0019 per contract side. The Exchange issued an Options Regulatory Fee Announcement on July 2, 2021, indicating the proposed rate change for August 1, 2021.[8]

The proposed decrease is based on recent options volumes, which included an increase in retail investors. With respect to options volume, the Exchange, and the options industry as a whole, experienced a significant increase between 2020 and 2021. For example, total options contract volumes in April, May and June 2021 were 29.7%, 32.7% and 25.6% higher than the total options contract volumes in April, May and June 2020, respectively.[9]

There can be no assurance that the Exchange's final costs for 2021 will not differ materially from these expectations, 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 that will run in excess of the Exchange's estimated regulatory costs for the year.[10] Particularly, as noted above, the options market has seen a substantial increase in volume throughout 2020 and 2021, due in large part to the 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 decrease the ORF in order to ensure it does not exceed its regulatory costs for the year. Particularly, the Exchange believes that decreasing the ORF when combined with 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.[11]

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 the Exchange's total regulatory costs. The Exchange will continue to monitor MIAX regulatory costs and revenues at a minimum on a semi-annual basis. If the Exchange determines regulatory revenues exceed or are insufficient to cover a material portion of its regulatory costs, the Exchange will adjust the ORF by submitting a fee change filing to the Commission. The Exchange will notify Members of adjustments to the ORF via regulatory circular at least 30 days prior to the effective date of the change.

In connection with this filing, the Exchange notes that its affiliates, MIAX Pearl and MIAX Emerald, will also be adjusting the ORF fees that each of those exchanges charge.

[7] *See* Securities Exchange Act Release Nos. 91418 (March 26, 2021), 86 FR 17254 (April 1, 2021) (SR–Phlx–2021–16) (reducing the Nasdaq PHLX LLC ORF and estimating direct expenses at 58% and indirect expenses at 42%); 91420 (March 26, 2021), 86 FR 17223 (April 1, 2021) (SR–ISE–2021–04) (reducing the Nasdaq ISE, LLC ORF and estimating direct expenses at 58% and indirect expenses at 42%).

[8] *See https://www.miaxoptions.com/sites/default/files/circular-files/MIAX_Options_RC_2021_36.pdf.*

[9] *See* data from OCC at: *https://www.businesswire.com/news/home/20210504005178/en/OCC-April-2021-Total-Volume-Up-29.7-Percent-from-a-Year-Ago, https://www.businesswire.com/news/home/20210602005174/en/OCC-May-2021-Total-Volume-Up-32.7-Percent-from-a-Year-Ago, and https://apnews.com/press-release/business-wire/778385e696f4407590cc6ff9cb64db03.*

[10] The Exchange notes that notwithstanding the potential excess ORF revenue the Exchange anticipates it would collect utilizing the current rate, it would not use such revenue for non-regulatory purposes.

[11] The Exchange notes that its regulatory responsibilities with respect to Member compliance with options sales practice rules have been allocated to the Financial Industry Regulatory Authority (''FINRA'') under a 17d–2 Agreement. The ORF is not designed to cover the cost of options sales practice regulation.

2. Statutory Basis

The Exchange believes that its proposal to amend its Fee Schedule is consistent with Section 6(b) of the Act [12] in general, and furthers the objectives of Section 6(b)(4) of the Act [13] in particular, in that it is an equitable allocation of reasonable dues, fees, and other charges among its members and issuers and other persons using its facilities. The Exchange also believes the proposal furthers the objectives of Section 6(b)(5) of the Act [14] in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest and is not designed to permit unfair discrimination between customers, issuers, brokers and dealers.

The Exchange believes the proposed fee change is reasonable because customer transactions will be subject to a lower ORF fee than the current rate. Moreover, the proposed reduction is necessary in order for the Exchange to 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 ORF is designed to recover a material portion of the costs of supervising and regulating Members' customer options business including performing routine surveillances and investigations, as well as policy, rulemaking, interpretive and enforcement activities. The Exchange will 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 the Exchange's total regulatory costs. The Exchange has designed the ORF to generate revenues that, when combined with all of the Exchange's other regulatory fees, will be less than or equal to the Exchange's regulatory costs, which is consistent with the Commission's view that regulatory fees be used for regulatory purposes and not to support the Exchange's business side. In this regard, the Exchange believes that the proposed decrease to the fee is reasonable.

The Exchange believes that continuing to limit changes to the ORF to twice a year on specific dates with advance notice is reasonable because it gives participants certainty on the timing of changes, if any, and better enables them to properly account for ORF charges among their customers. The Exchange believes that continuing to limit changes to the ORF to twice a year on specific dates is equitable and not unfairly discriminatory because it will apply in the same manner to all Members that are subject to the ORF and provide them with additional advance notice of changes to that fee.

The Exchange believes that collecting the ORF from non-Members when such non-Members ultimately clear the transaction (that is, when the non-Member is the ''ultimate clearing firm'' for a transaction in which a Member was assessed the ORF) is an equitable allocation of reasonable dues, fees, and other charges among its members and issuers and other persons using its facilities. The Exchange notes that there is a material distinction between ''assessing'' the ORF and ''collecting'' the ORF. The ORF is only assessed to a Member with respect to a particular transaction in which it is either the executing clearing firm or ultimate clearing firm. The Exchange does not assess the ORF to non-Members. Once, however, the ORF is assessed to a Member for a particular transaction, the ORF may be collected from the Member or a non-Member, depending on how the transaction is cleared at OCC. If there was no change to the clearing account of the original transaction, the ORF would be collected from the Member. If there was a change to the clearing account of the original transaction and a non-Member becomes the ultimate clearing firm for that transaction, then the ORF will be collected from that non-Member. The Exchange believes that this collection practice continues to be reasonable and appropriate, and was originally instituted for the benefit of clearing firms that desired to have the ORF be collected from the clearing firm that ultimately clears the transaction.

The Exchange designed the ORF so that revenue generated from the ORF, 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 taking into account the recent options volume, which included an increase in customer options transactions, it estimates the ORF will generate revenues that may cover more than the approximated Exchange's projected regulatory costs. Moreover, when coupled with the Exchange's other regulatory fees and revenues, the Exchange estimates ORF to generate over 100% of the Exchange's projected regulatory costs. As such, the Exchange believes it is reasonable and appropriate to decrease the ORF amount from $0.0029 to $0.0019 per contract side.

The Exchange also believes the proposed fee change is equitable and not unfairly discriminatory in that it is charged to all Members on all their transactions that clear in the customer range at the OCC,[15] with an exception.[16] The Exchange believes the ORF ensures fairness by assessing higher fees to those members that require more Exchange regulatory services based on the amount of customer options business they conduct. 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. 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. Moreover, 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,

[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 an Exchange Member, ORF is assessed and collected on all cleared customer contracts (after adjustment for CMTA); and if the OCC clearing member is not an Exchange Member, ORF is collected only on the cleared customer contracts executed at the Exchange, taking into account any CMTA instructions which may result in collecting the ORF from a non-Member.

[16] When a transaction is executed on an away exchange, the Exchange does not assess the ORF when neither the executing clearing firm nor the ultimate clearing firm is a Member (even if a Member is ''given-up'' or ''CMTAed'' and then such Member subsequently ''gives-up'' or ''CMTAs'' the transaction to another non-Member via a CMTA reversal).

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'') [17] 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.

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. This proposal does not create an unnecessary or inappropriate intra-market 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. The Exchange notes, however, the proposed change is not designed to address any competitive issues. Indeed, this proposal 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

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act,[18] and Rule 19b–4(f)(2) [19] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File No. SR–MIAX–2021–38 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–MIAX–2021–38. 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–MIAX–2021–38, and should be submitted on or before September 17, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[20]

Jill M. Peterson,

Assistant Secretary.

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[17] ISG is an industry organization formed in 1983 to coordinate intermarket surveillance among the SROs by cooperatively sharing regulatory information pursuant to a written agreement between the parties. The goal of the ISG's information sharing is to coordinate regulatory efforts to address potential intermarket trading abuses and manipulations.

[18] 15 U.S.C. 78s(b)(3)(A)(ii).

[19] 17 CFR 240.19b–4(f)(2).

[20] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–92729; File No. SR–CBOE–2021–047]

Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating To Amend Rule 5.33

August 23, 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 10, 2021, Cboe Exchange, Inc. (the ''Exchange'' or ''Cboe Options'') 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 Exchange filed the proposal pursuant to Section 19(b)(3)(A)(iii) of the Act [3] and Rule 19b–4(f)(6) thereunder.[4] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe Exchange, Inc. (the ''Exchange'' or ''Cboe Options'') proposes to amend Rule 5.33. The text of the proposed rule change is provided in Exhibit 5.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

The text of the proposed rule change is also available on the Exchange's website (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Rule 5.33 regarding complex orders. Specifically, the proposed rule change makes certain clarifying changes to add detail to the Rule and nonsubstantive changes, including to make certain provisions plain English and to conform certain language in the rule to that in corresponding rules of its affiliated options exchanges, Cboe EDGX Exchange, Inc. (''EDGX'') Rule 21.20 and Cboe C2 Exchange, Inc. (''C2'') Rule 5.33.

First, the Exchange proposes to make the following clarifying or codifying changes:

• The definition of ''complex strategy'' in Rule 5.33(a) currently provides that the Exchange may limit the number of new complex strategies that may be in the System at a particular time. The proposed rule change codifies that the Exchange may also limit the number of new complex strategies that may be entered for any EFID (which EFID limit would be the same for all users) at a particular time. This proposed change is identical to the definition of ''complex strategy'' in C2 Rule 5.33(a).[5] Similar to the authority for the Exchange to limit the number of new complex strategies that may be in the System, the proposed rule change codifies another manner in which the Exchange may limit complex strategies in the System at a particular time. The Exchange believes limiting complex strategies per EFID will allow the Exchange to manage System capacity in a fair and reasonable manner by limiting each EFID to the same number of complex strategies they may have in the System at one time.

• The proposed rule change specifies in the definition of each of ''synthetic best bid or offer'' (''SBBO'') and ''synthetic national best bid or offer'' (''SNBBO'') that each is comprised of the best ''net'' bid and ''net'' offer (on the Exchange or nationally, respectively). The SBBO and SNBBO each use the BBO or NBBO, respectively, of each component to determine the best synthetic bid or offer, which is done by calculating the best net bid or offer. The proposed rule change merely clarifies that ''netting'' the BBOs or NBBOs, as applicable, is how the SBBO or SNBBO, respectively, is calculated. This proposed change is identical to the definition of ''SNBBO'' in C2 Rule 5.33(a).[6]

• In Rule 5.33(b)(2), the proposed rule change deletes the parenthetical after the term ''Capacities,'' which parenthetical states that Capacities means, in other words, non-broker-dealer customers, broker-dealers that are not maker-makers on an options exchange, or market-makers on an options exchange. The Rule does permit the Exchange to determine which Capacities are eligible for the complex order auction (''COA'') or for entry into the COB, but this parenthetical is not consistent with the definition of Capacities. Rule 1.1 defines ''Capacity'' as the capacity in which a user submits an order, which the user specifies by applying the corresponding code to the order. The Capacity codes available are: B (for the account of a broker or dealer), C (for the account of a public customer), F (for an OCC clearing member firm proprietary account), J (for a joint back office account), L (for the account of a non-Trading Permit Holder (''TPH'') affiliate), M (for the account of a Market-Maker), N (for the account of a market-maker on another options exchange), and U (for the account of a professional). However, there is no Capacity code for the three categories listed in the parenthetical in Rule 5.33(b)(2), so the proposed rule change deletes the inaccurate parenthetical to maintain consistency throughout the Rules. As noted above, the Exchange does determine which Capacities are eligible for COA or entry into the COB (which the Exchange previously announced to TPHs in accordance with Rule 1.5 [7]), so the proposed rule change has no impact on trading.

• The proposed rule change changes the term ''Queuing Period'' to ''order entry period'' in Rule 5.33(c)(1). ''Queuing Period'' is a defined term used for the Opening Process for simple orders set forth in Rule 5.31. The Queuing Period, as defined, is the time period prior to the initiation of an opening rotation during which the System accepts simple orders and quotes in the book for participation in the opening rotation for the applicable trading session—in other words, the order entry period. However, the COB Opening Process described in Rule 5.33(c) differs from the Opening Process for simple orders described in Rule 5.31—for example, there is no rotation (*i.e.,* auction)—and does not use the same terminology. The proposed rule change merely updates Rule 5.33(c)(1) to use the appropriate terminology (as used in the heading for that subparagraph) for the COB Opening Process.

• The proposed rule change amends Rule 5.33(d)(3)(B) and (C) (which describe certain circumstances that will cause the Response Time Interval of a COA to terminate early) to clarify that subparagraph (B) applies to the receipt of a non-Priority Customer Order in a leg of the complex order that would improve the SBBO on the same side as the COA-eligible order that initiated the COA. Subparagraph (C) explicitly applies to the receipt of a Priority Customer Order that would improve (or join) the SBBO on the same side as the COA-eligible order that initiated the COA. Currently, subparagraph (B) only references receipt of an order, but receipt of a Priority Customer Order is covered by subparagraph (C) and thus the intent of subparagraph (B) was to apply only to non-Priority Customer Orders. Additionally, because a COA will terminate early when the System receives a non-Priority Customer Order in a leg that would improve the SBBO on the same side as the COA-eligible order that initiated the COA, it would only do so if the price was better than

[5] *See* C2 Rule 5.33(a) (definition of complex strategy, which permits the Exchange to limit the number of new complex strategies that may be in the System or entered for any EFID (which EFID limit would be the same for all Users) at a particular time).

[6] *See* C2 Rule 5.33(a) (definition of SNBBO, which states that the NBBO for each component of a complex strategy establishes the best net bid and offer for a complex strategy).

[7] Rule 1.5 states the Exchange announces to TPHs all determinations it makes pursuant to the Rules via specifications, notices, or regulatory circulars with appropriate advanced notice, which are posted on the Exchange's website or as otherwise provided in the Rules, among other manners of announcement.

the COA price, not equal to or better than the COA price, so the proposed rule change deletes ''equal to or'' prior to better in subparagraph (B). This is consistent with the definition of ''COA-eligible'' order in Rule 5.33(b)(5), which provides that a COA-eligible order may initiate a COA if it has a price equal to or better than the SBBO. In other words, a COA-eligible order may execute at a price equal to the SBBO (as long as there is no Priority Customer Order on a leg of the SBBO) and thus a COA should not terminate if non-Priority Customer Order is received at a price equal to the COA-eligible order. However, if an order is received during a COA that is better than the COA price, it is appropriate to terminate the COA because that COA would not have been able to begin at the COA price had that new order been on the book at the time the COA-eligible order was received by the System. This is consistent with how the System functions today and merely adds clarity to the Rules. The proposed rule change also adds to subparagraph (d)(3)(C) that it applies when the System receives a Priority Customer Order ''in a leg of the complex order,'' which is consistent with the language in subparagraph (B) and implied by the fact it would join or improve the SBBO (and thus it must relate to a simple order in the book, as simple orders in the book in the legs of the complex order are used to calculate the SBBO). The proposed rule change also changes the phrase ''COA in progress'' to ''COA-eligible order that initiated the COA'' to conform to the language in subparagraph (B).

• The proposed rule change adds ''during the Response Time Interval'' to the end of the penultimate sentence of the introductory paragraph of Rule 5.33(d)(4). This is consistent with the definition of Response Time Interval, which Rule 5.33(d)(3) defines as the period of time during which users may submit COA responses. This change merely adds detail to the rule that is consistent with the current rule and conforms the language to corresponding provisions in the C2 and EDGX Rules.[8]

• The proposed rule change clarifies in Rule 5.33(d)(4)(B) that COA Responses may be larger than the COA-eligible order. This is identical to C2 Rule 5.33(d)(4)(B) and is implied by the current provision, which states that the System caps the size of aggregated COA Responses at the EFID-level (which cap would apply if an EFID submitted a single COA Response larger than the COA-eligible order). This merely codifies current functionality in the Rules, which functionality is consistent with the remainder of the rule provision. Current Rule 5.33(d)(5)(B) states that the System routes to PAR for manual handling any COA-eligible order (or unexecuted portion) that does not execute at the end of the COA if not eligible for entry in the COB or in accordance with the User's instructions. The proposed rule change amends this provision to provide that the System (i) routes to PAR for manual handling or (ii) cancels or rejects any COA-eligible order (or unexecuted portion) that does not execute at the end of the COA if not eligible for entry into the COB, subject to the user's instructions. Similarly, current Rule 5.33(e) states that the System routes to PAR for manual handling any complex order (or unexecuted portion) that does not execute upon entry and is not eligible for entry into the COB, subject to the User's instructions. The proposed rule change amends this provision to provide that the System (i) routes to PAR for manual handling or (ii) cancels or rejects any complex order (or unexecuted portion) that does not execute upon entry and is not eligible for entry into the COB, subject to the user's instructions. The addition of the language to each of these provisions that the System may cancel or reject such COA-eligible order or do-not-COA order, respectively (or unexecuted portion), is consistent with the end of each provision that states how the System handles an order is subject to a user's instructions and the definitions of such instructions. While orders on the Exchange are primarily ''Default'' orders, which are orders designated for electronic processing and are routed to PAR for manual handling if not eligible for electronic processing, users may also designate orders as ''Electronic Only,'' which are orders designated for electronic processing but do not route to PAR for manual handling if not eligible for electronic processing (and thus would be cancelled if not executed electronically).[9] Therefore, if a COA-eligible or do-not-COA order, as applicable, was designated as Electronic Only, the System would cancel that order (or unexecuted portion) if it did not execute at the end of the COA or upon entry, respectively, and was not eligible for COB entry, as instructed by the user. The proposed rule change merely adds this clarifying detail to the Rule, which is consistent with the Rules and current System functionality.

• The proposed rule change clarifies in Rule 5.33(f)(2)(A)(v) that the System does not execute a complex order at a net price that would cause any component of the complex strategy to be executed at a price ahead of a priority customer order resting in the Simple Book without improving the BBO of at least one component of the complex strategy ''by at least one minimum increment.'' This is merely a clarification, as trades may only occur in the permissible minimum increment, so improvement of one component of the complex strategy would have to be by at least one minimum increment. This is consistent with language in C2 Rule 5.33(f)(2)(A)(v).[10]

• The proposed rule change clarifies in Rule 5.33(i) that the System evaluates incoming complex orders upon receipt ''after the open of trading'' to determine whether it is a COA-eligible order or a do-not-COA order (and thus how to process it). This is merely a clarification and consistent with the System, as prior to the opening, there is no need to conduct such evaluation since orders entered during the complex order entry period prior to the open rest in the COB until the COB opening process, during which all complex orders received during the order entry period are eligible to be matched.[11] This is merely clarifying language that is consistent with current System functionality and C2 Rule 5.33(i).

• The proposed rule change amends Rule 5.33(k)(1) to clarify that when trading in a complex strategy is suspended, the System queues a user's complex orders ''during a halt for participation in the COB Opening process'' as set forth in Rule 5.33(k)(3).[12] This language is consistent with the language in Rule 5.33(k)(3) and identical to C2 Rule 5.33(k)(1). The proposed rule change also clarifies in subparagraph (k)(1) that the COB remains available for users to enter and manage complex orders ''that are not cancelled,'' which is consistent with the prior sentence, pursuant to which users may cancel complex orders upon a trading halt. This language is also identical to C2 Rule 5.33(k)(1). These proposed rule changes are not substantive but rather make clarifications to subparagraph (k)(1) that are consistent with current

[8] *See* C2 Rule 5.34(d)(4) and EDGX Rule 21.20(d)(4).

[9] *See* Rule 5.6(c).

[10] C2 Rule 5.33(f)(2)(A)(v) provides that improvement of one component must be by at least $0.01, which is the minimum increment for all complex orders on C2. The proposed rule change uses the term ''minimum increment'' as Rule 5.4(b) permits the Exchange to designate the minimum increment for complex orders by class, and thus the minimum increment may not be $0.01 on the Exchange.

[11] *See* Rule 5.33(c).

[12] The proposed rule change also adds a period after ''suspended'' to prevent the amended sentence from being too long.

System functionality and the remainder of paragraph (k).

Second, the Exchange proposes to make the following other nonsubstantive changes:

• Currently, Rule 5.33(a) states the term ''complex order'' has the meaning set forth in Rule 1.1. The proposed rule change amends this definition to state that the term ''complex order'' is defined in Rule 1.1 to make the provision plain English and to conform the language to that in other definitions in the Exchange's rulebook.

• Currently, Rule 5.33(a) defines the complex order book (''COB'') as the Exchange's electronic book of complex orders maintained by the System, which single book is used during both the Regular Trading Hours (''RTH'') and Global Trading Hours (''GTH'') trading sessions. The proposed rule change defines COB as the Exchange's electronic book of complex orders used for all trading sessions. The Exchange believes this proposed change streamlines the definition and eliminates unnecessary terminology.[13]

• The proposed rule change amends the definitions of ''All Sessions,'' ''MTP Modifiers,'' and ''RTH Only'' in Rule 5.33(b)(5) and applicable provisions in Rule 5.33(d)(2)(A), (3), (3)(B), and (3)(C), (5), (5)(A)(i) and (ii), and (5)(B), (e), (e)(1) and (2), (f)(2)(A)(v) and (2)(B), (g), (i) and (i)(3)(C), (j)(3), and (k)(2) to state that orders ''rest in'' or are otherwise ''in'' the simple book or COB rather than ''on'' the simple book or COB. The majority of the provisions in Rule 5.33 state that orders are ''in'' the book or COB, so the Exchange proposes to amend these provisions to maintain consistency throughout Rule 5.33.

• The proposed rule change amends the definitions of ''Book Only'' and ''Post Only'' in Rule 5.33(b)(5) to state that the order is ''subject to a user's instructions'' rather than ''in accordance with the user's instructions.'' The phrases mean the same thing in the context of these rule provisions, but the majority of Rule 5.33 uses the phrase ''subject to a user's instructions,'' so the Exchange proposes to amend these provisions to maintain consistency throughout Rule 5.33.

• The proposed rule change proposes to delete the term ''complex order'' prior to ''Capacities'' in the definition of ''Complex Only'' in Rule 5.33(a). Rule 5.33 relates solely to the trading of complex orders and generally does not specify that certain terms relate to complex orders (for example, just prior to Capacities, the term ''Times-in-Force'' is not qualified to be complex order ''Times-in-Force''). Therefore, the proposed rule change deletes ''complex order'' prior to ''Capacities,'' as it is redundant and unnecessary.

• The proposed rule change amends Rule 5.33(d)(2)(A) to use the term ''subparagraph'' rather than ''paragraph'' for the cross-reference to subparagraph (d)(3) in that provision. This merely conforms to terminology used throughout the Rules.

• The proposed rule change amends Rule 5.33(d)(3)(A) through (C) and (j)(3) to replace ''posts'' with ''enters'' when describing an order entering into the COB or the Book. This merely changes the term used to describe an order entering a book to conform to the terminology used elsewhere in the Rules.

• The proposed rule change deletes an inadvertent grammatically incorrect comma after ''EFID'' in Rule 5.33(d)(4)(B), after ''class in Rule 5.33(d)(5)(A)(ii), after the second parenthetical in Rule 5.33(d)(5)(B), and after the second parenthetical in the last paragraph of Rule 5.33(e).

• The proposed rule change deletes inadvertent extra spaces prior to the hyphen in the term ''contra-side'' in Rule 5.33(d)(5)(A) and (e).

• The proposed rule change replaces ''pursuant to'' with ''which the System allocates in accordance with'' in Rule 5.33(d)(5)(A)(ii) and (e)(2). The provision has the same meaning, but the new language is consistent with language used in the remainder of Rule 5.33. The proposed rule change also adds ''as'' prior to ''determined'' at the end of Rule 5.33(d)(A)(ii) to similarly be consistent with language used in the remainder of Rule 5.33.

• The proposed rule change replaces ''if eligible to rest'' with ''if eligible for entry'' in Rule 5.33(d)(5)(B), the last paragraph of Rule 5.33(e), and (k)(1) and (2). This is consistent with the language in Rule 5.33(b)(2) regarding the Exchange's authority to determine which Capacities are eligible for entry into the Book.

• The proposed rule change amends the heading of Rule 5.33(g) to be ''Legging'' rather than ''Legging Restrictions,'' as the Exchange believes it to be more appropriate given that paragraph (g) describes how a complex order may leg into the simple book, in addition to certain restrictions that apply to legging.

• The proposed rule change adds subheading names to subparagraphs (h)(1) through (3) to be consistent with the remainder of Rule 5.33, as subparagraphs in the rule generally have subheadings. The proposed rule change also moves current subparagraph (2) to proposed subparagraph (3)[14] and renumbers current subparagraph (3) as subparagraph (2).

• The proposed rule change amends the last to sentences of Rule 5.33(k)(1) to eliminate the passive voice in each sentence, thus making each sentence more plain English.

The proposed rule change adds a heading to Interpretation and Policy .03 to be consistent with the other Interpretations and Policies in Rule 5.33.

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.[15] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[16] 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. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[17] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes the proposed rule change will protect investors and the public interest by adding clarifications and detail to the Rules, as well as conforming and simplifying certain rule provisions. The proposed clarifying and nonsubstantive rule changes will have no impact on trading, as they codify or are otherwise consistent with current functionality

[13] The phrase ''all trading sessions'' would incorporate both RTH and GTH—currently the only two trading sessions on the Exchange—so it is unnecessary to list both of those in the definition. *See* Rule 1.1 (definition of ''trading session''). Additionally, the definition implies that the COB is maintained by the Exchange's trading system and is a single book because it is an ''electronic book,'' making the language proposed to be deleted unnecessary.

[14] The proposed rule change makes a nonsubstantive change to proposed subparagraph (3) (current subparagraph (2) to move the word ''resting'' after the term ''complex order'' rather than before.

[15] 15 U.S.C. 78f(b).

[16] 15 U.S.C. 78f(b)(5).

[17] *Id.*

and rules. The Exchange also believes that the proposed rule change will remove impediments to and perfect the mechanism of a free and open market and a national market system, as several proposed changes are based on corresponding complex order rules of Cboe Options' affiliated exchanges, C2 and EDGX (as described above). The Exchange believes greater harmonization of Rules of affiliated exchanges that describe the same functionality will simplify the rulebook for users of the Exchange that are also participants on Cboe affiliated exchanges, thus benefiting investors.

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 will not burden intramarket competition because it will apply in the same manner to all TPHs that submit complex orders to the Exchange. The proposed rule change will not burden intermarket competition because it is not intended to be a competitive filing but is rather intended to add clarity and detail to the Rules, as well as harmonize the Exchange's rules regarding complex orders with those of its affiliated exchanges, C2 and EDGX. The proposed rule changes, as described above, are consistent with current rules and functionality and will have no impact on trading on the Exchange.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[18] and Rule 19b–4(f)(6) thereunder.[19] Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[20] and Rule 19b–4(f)(6)(iii) thereunder.[21]

A proposed rule change filed under Rule 19b–4(f)(6)[22] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b–4(f)(6)(iii),[23] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. As discussed above, Cboe states that the proposal makes non-substantive changes that clarifying Cboe's rules or harmonize Cboe's rules with those of its affiliated exchanges. The Commission believes that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest because the proposed changes do not raise novel issues and are designed to clarify the Exchange's rules and enhance their internal consistency, correct inaccurate terminology, and conform the Exchange's rules to the rules of its affiliated exchanges. Accordingly, the Commission hereby waives the 30-day operative delay and designates the proposal operative upon filing.[24]

At any time within 60 days of the filing of this proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–CBOE–2021–047 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–2021–047. 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–2021–047, and should be submitted on or before September 17, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[25]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2021–18464 Filed 8–26–21; 8:45 am]

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[18] 15 U.S.C. 78s(b)(3)(A)(iii).

[19] 17 CFR 240.19b–4(f)(6).

[20] 15 U.S.C. 78s(b)(3)(A).

[21] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires the Exchange to give the Commission written notice of the Exchange's 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.

[22] 17 CFR 240.19b–4(f)(6).

[23] 17 CFR 240.19b–4(f)(6)(iii).

[24] For purposed only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[25] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–92722; File No. SR–NYSEArca–2021–57]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Designation of a Longer Period for Commission Action on a Proposed Rule Change To List and Trade Shares of the NYDIG Bitcoin ETF Under NYSE Arca Rule 8.201–E

August 23, 2021.

On June 30, 2021, NYSE Arca, Inc. (''NYSE Arca'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to list and trade shares of the NYDIG Bitcoin ETF under NYSE Arca Rule 8.201–E. The proposed rule change was published for comment in the **Federal Register** on July 19, 2021.[3] The Commission has received comments on the proposed rule change.[4]

Section 19(b)(2) of the Act[5] 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 (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 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 September 2, 2021. The Commission is extending this 45-day time period.

The Commission finds that it is appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider the proposed rule change and the comments received. Accordingly, pursuant to Section 19(b)(2) of the Act,[6] the Commission designates October 17, 2021, as the date by which the Commission shall either approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change (File No. SR–NYSEArca–2021–57).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[7]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2021–18458 Filed 8–26–21; 8:45 am]

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[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 92395 (July 13, 2021), 86 FR 38129 (July 19, 2021).

[4] Comments received on the proposed rule change are available at: *https://www.sec.gov/comments/sr-nysearca-2021-57/srnysearca202157.htm.*

[5] 15 U.S.C. 78s(b)(2).

[6] *Id.*

[7] 17 CFR 200.30–3(a)(31).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–92726; File No. SR–EMERALD–2021–27]

Self-Regulatory Organizations: MIAX Emerald, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Fee Schedule To Adjust the Options Regulatory Fee

August 23, 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, MIAX Emerald, LLC (''MIAX Emerald'' 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.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing a proposal to amend the Exchange's Fee Schedule (''Fee Schedule'') to adjust the Options Regulatory Fee (''ORF'').

The text of the proposed rule change is available on the Exchange's website at *http://www.miaxoptions.com/rule-filings/emerald,* at MIAX's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Currently, the Exchange assesses ORF in the amount of $0.00060 per contract side. The Exchange proposes to increase the amount of ORF from $0.00060 per contract side to $0.0016 per contract side. The Exchange initially filed this proposal on July 30, 2021 (SR–EMERALD–2021–24) and withdrew such filing on August 12, 2021. The Exchange proposes to implement the fee change effective August 12, 2021.

In light of historical and projected volume changes and shifts in the industry and on the Exchange, as well as changes to the Exchange's regulatory cost structure, the Exchange proposes to change the amount of ORF that will be collected by the Exchange. The Exchange's proposed change to the ORF should balance the Exchange's regulatory revenue against the anticipated regulatory costs. The Exchange will continue to monitor ORF to ensure that revenue collected from the ORF, in combination with other regulatory fees and fines, does not exceed the Exchange's total regulatory costs.

The Exchange notes it originally adopted the current ORF amount at a significantly lower rate as the Exchange had just begun operations and that the amount of ORF it collects has remain unchanged since it was first adopted in 2019.[3] When the Exchange set the amount of its current ORF (almost 2½ years ago), it was a brand new marketplace, and the amount was based on cost and revenue projections that were applicable to a new market. As such, the Exchange's cost structure, including regulatory costs and projections, were significantly lower. The Exchange's regulatory cost structure has since significantly increased since that time, as the Exchange has had to deploy significant resources and capital as the Exchange's membership base, volume, and market share have grown. The increase in cost structure has outgrown any revenue increase as a result of higher volumes. Therefore, the Exchange believes it is reasonable to increase the amount of ORF assessed to Members, notwithstanding the fact that

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 85251 (March 6, 2019), 84 FR 8931 (March 12, 2019) (SR–EMERALD–2019–01).

ORF revenues have also grown as a result of increased volumes. To illustrate, for the first six months of 2021, the Exchange had market share of 3.50% in multi-listed options.[4] The Exchange now proposes to adjust the amount of its ORF to be in line with those of more mature, established exchanges, as its regulatory cost structure has shifted from that of a nascent exchange to a more mature exchange.

Collection of ORF

Currently, the Exchange assesses the per-contract ORF to each Member [5] for all options transactions, including Mini Options, cleared or ultimately cleared by the Member, which are cleared by the Options Clearing Corporation (''OCC'') in the ''customer'' range,[6] regardless of the exchange on which the transaction occurs. The ORF is collected by OCC on behalf of the Exchange from either: (1) A Member that was the ultimate clearing firm for the transaction; or (2) a non-Member that was the ultimate clearing firm where a Member was the executing clearing firm for the transaction. The Exchange uses reports from OCC to determine the identity of the executing clearing firm and ultimate clearing firm.

To illustrate how the Exchange assesses and collects ORF, the Exchange provides the following set of examples. For a transaction that is executed on the Exchange and the ORF is assessed, if there is no change to the clearing account of the original transaction, then the ORF is collected from the Member that is the executing clearing firm for the transaction (the Exchange notes that, for purposes of the Fee Schedule, when there is no change to the clearing account of the original transaction, the executing clearing firm is deemed to be the ultimate clearing firm). If there is a change to the clearing account of the original transaction (*i.e.,* the executing clearing firm ''gives-up'' or ''CMTAs'' [7] the transaction to another clearing firm), then the ORF is collected from the clearing firm that ultimately clears the transaction—the ''ultimate clearing firm.'' The ultimate clearing firm may be either a Member or non-Member of the Exchange. If the transaction is executed on an away exchange and the ORF is assessed, then the ORF is collected from the ultimate clearing firm for the transaction. Again, the ultimate clearing firm may be either a Member or non-Member of the Exchange. The Exchange notes, however, that when the transaction is executed on an away exchange, the Exchange does not assess the ORF when neither the executing clearing firm nor the ultimate clearing firm is a Member (even if a Member is ''given-up'' or ''CMTAed'' and then such Member subsequently ''gives-up'' or ''CMTAs'' the transaction to another non-Member via a CMTA reversal). Finally, the Exchange does not assess the ORF on outbound linkage trades, whether executed at the Exchange or an away exchange. ''Linkage trades'' are tagged in the Exchange's system, so the Exchange can readily tell them apart from other trades. A customer order routed to another exchange results in two customer trades, one from the originating exchange and one from the recipient exchange. Charging ORF on both trades could result in double-billing of ORF for a single customer order; thus, the Exchange does not assess ORF on outbound linkage trades in a linkage scenario. This assessment practice is identical to the assessment practice currently utilized by the Exchange's affiliates, MIAX PEARL, LLC (''MIAX Pearl'') and Miami International Securities Exchange, LLC (''MIAX'').[8]

As a practical matter, when a transaction that is subject to the ORF is not executed on the Exchange, the Exchange lacks the information necessary to identify the order-entering member for that transaction. There are a multitude of order-entering market participants throughout the industry, and such participants can make changes to the market centers to which they connect, including dropping their connection to one market center and establishing themselves as participants on another. For these reasons, it is not possible for the Exchange to identify, and thus assess fees such as ORF, on order-entering participants on away markets on a given trading day. Clearing members, however, are distinguished from order-entering participants because they remain identified to the Exchange on information the Exchange receives from OCC regardless of the identity of the order-entering participant, their location, and the market center on which they execute transactions. Therefore, the Exchange believes it is more efficient for the operation of the Exchange and for the marketplace as a whole to collect the ORF from clearing members.

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.

As discussed below, the Exchange believes it is appropriate to charge the ORF only to transactions that clear as customer at the OCC. The Exchange believes that its broad regulatory responsibilities with respect to a Member's activities supports applying the ORF to transactions cleared but not executed by a Member. The Exchange's regulatory responsibilities are the same regardless of whether a Member enters a transaction or clears a transaction executed on its behalf. The Exchange regularly reviews all such activities, including performing surveillance for position limit violations, manipulation, front-running, contrary exercise advice violations and insider trading. These activities span across multiple exchanges.

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 Members' 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 the Office of the General Counsel, technology, and internal audit. Indirect expenses are estimated to be approximately 53% of the total

[4] *See https://www.miaxoptions.com/sites/default/files/press_release-files/MIAX_Press_Release_07132021.pdf.*

[5] The term ''Member'' means an individual or organization approved to exercise the trading rights associated with a Trading Permit. Members are deemed ''members'' under the Exchange Act. See Exchange Rule 100. *See* the Definitions Section of the Fee Schedule and Exchange Rule 100.

[6] Exchange participants must record the appropriate account origin code on all orders at the time of entry in order. The Exchange represents that it has surveillances in place to verify that Members mark orders with the correct account origin code.

[7] ''CMTA'' or Clearing Member Trade Assignment is a form of ''give-up'' whereby the position will be assigned to a specific clearing firm at OCC.

[8] *See* Securities Exchange Act Release Nos. 85163 (February 15, 2019), 84 FR 5798 (February 22, 2019) (SR–PEARL–2019–01); 85162 (February 15, 2019), 84 FR 5783 (February 22, 2019) (SR–MIAX–2019–01).

regulatory costs for 2021. Thus, direct expenses are estimated to be approximately 47% of total regulatory costs for 2021. The Exchange notes that its estimated direct and indirect expense percentages are in the range and similar to those at other options exchanges.[9]

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 increase the amount of ORF that will be collected by the Exchange from $0.00060 per contract side to $0.0016 per contract side. The Exchange issued an Options Regulatory Fee Announcement on July 2, 2021, indicating the proposed rate change for August 1, 2021.[10] As described above, when the Exchange set the amount of its current ORF (almost 2½ years ago), it was a brand new marketplace, and the amount was based on cost and revenue projections that were applicable to a new market. At that time, the Exchange's cost structure, including regulatory costs and projections, were significantly lower. The Exchange's regulatory cost structure has since significantly increased since that time, as the Exchange has had to deploy significant resources and capital as the Exchange's membership base, volume, and market share have grown. The increase in cost structure has outgrown any revenue increase as a result of higher volumes. The Exchange believes the proposed adjustment will permit the Exchange to cover a material portion of its regulatory costs, while not exceeding regulatory costs; notwithstanding the fact that ORF revenues have also grown as a result of increased volumes. As noted above, the Exchange regularly reviews its ORF to ensure that the ORF, in combination with its other regulatory fees and fines, does not exceed regulatory costs.

There can be 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 results in revenue that is running below the Exchange's estimated regulatory costs for the year. Particularly, as noted above, the Exchange initially set its ORF at a substantially lower rate when the Exchange first launched operations.[11] The Exchange now believes that it is appropriate to increase the amount of the ORF so that it is in line with the Exchange's cost structure for operating a more established exchange, so that when combined with all of the Exchange's other regulatory fees and fines, it would allow the Exchange to recover a material portion of its regulatory costs, while continuing to not generate excess revenue.[12]

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 the Exchange's total regulatory costs. The Exchange will continue to monitor MIAX Emerald regulatory costs and revenues at a minimum on a semi-annual basis. If the Exchange determines regulatory revenues exceed or are insufficient to cover a material portion of its regulatory costs, the Exchange will adjust the ORF by submitting a fee change filing to the Commission. The Exchange will notify Members of adjustments to the ORF via regulatory circular at least 30 days prior to the effective date of the change.

In connection with this filing, the Exchange notes that its affiliates, MIAX Pearl and MIAX, will also be adjusting the ORF fees that each of those exchanges charge.

2. Statutory Basis

The Exchange believes that its proposal to amend its Fee Schedule is consistent with Section 6(b) of the Act[13] in general, and furthers the objectives of Section 6(b)(4) of the Act[14] in particular, in that it is an equitable allocation of reasonable dues, fees, and other charges among its members and issuers and other persons using its facilities. The Exchange also believes the proposal furthers the objectives of Section 6(b)(5) of the Act[15] in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest and is not designed to permit unfair discrimination between customers, issuers, brokers and dealers.

The Exchange believes that increasing the ORF from $0.00060 to $0.0016 per contract side is equitable and not unfairly discriminatory because it is objectively allocated to Members in that it is charged to all Members on all their transactions that clear as customer at the OCC, with an exception.[16] Moreover, the Exchange believes the ORF ensures fairness by assessing fees to Members such that the ORF assessment is directly based on the amount of customer options business each Member conducts. 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. 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.

The Exchange notes it originally adopted the current ORF amount at a significantly lower rate as the Exchange had just begun operations and that the amount of ORF it collects has remain unchanged since it was first adopted in 2019.[17] When the Exchange set the amount of its current ORF (almost 2½ years ago), it was a brand new marketplace, and the amount was based on cost and revenue projections that were applicable to a new market. As such, the Exchange's cost structure, including regulatory costs and projections, were significantly lower. The Exchange's regulatory cost structure has since significantly increased since

[9] *See* Securities Exchange Act Release Nos. 91418 (March 26, 2021), 86 FR 17254 (April 1, 2021) (SR–Phlx–2021–16) (reducing the Nasdaq PHLX LLC ORF and estimating direct expenses at 58% and indirect expenses at 42%); 91420 (March 26, 2021), 86 FR 17223 (April 1, 2021) (SR–ISE–2021–04) (reducing the Nasdaq ISE, LLC ORF and estimating direct expenses at 58% and indirect expenses at 42%).

[10] *See https://www.miaxoptions.com/sites/default/files/circular-files/MIAX_Emerald_RC_2021_33.pdf.*

[11] *See supra* note 3.

[12] The Exchange notes that its regulatory responsibilities with respect to Member compliance with options sales practice rules have been allocated to the Financial Industry Regulatory Authority (''FINRA'') under a 17d–2 Agreement. The ORF is not designed to cover the cost of options sales practice regulation.

[13] 15 U.S.C. 78f(b).

[14] 15 U.S.C. 78f(b)(4).

[15] 15 U.S.C. 78f(b)(5).

[16] When a transaction is executed on an away exchange, the Exchange does not assess the ORF when neither the executing clearing firm nor the ultimate clearing firm is a Member (even if a Member is ''given-up'' or ''CMTAed'' and then such Member subsequently ''gives-up'' or ''CMTAs'' the transaction to another non-Member via a CMTA reversal).

[17] *See supra* note 3.

that time, as the Exchange has had to deploy significant resources and capital as the Exchange's membership base, volume, and market share have grown. The increase in cost structure has outgrown any revenue increase as a result of higher volumes. Therefore, the Exchange believes it is reasonable, equitable and not unfairly discriminatory to increase the amount of ORF assessed to Members, notwithstanding the fact that ORF revenues have also grown as a result of increased volumes.

The ORF is designed to recover a material portion of the costs of supervising and regulating Members' customer options business including performing routine surveillances and investigations, as well as policy, rulemaking, interpretive and enforcement activities. The Exchange will 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 the Exchange's total regulatory costs. The Exchange has designed the ORF to generate revenues that, when combined with all of the Exchange's other regulatory fees, will be less than or equal to the Exchange's regulatory costs, which is consistent with the Commission's view that regulatory fees be used for regulatory purposes and not to support the Exchange's business side. In this regard, the Exchange believes that the proposed increase to the fee is reasonable.

The Exchange believes that continuing to limit changes to the ORF to twice a year on specific dates with advance notice is reasonable because it gives participants certainty on the timing of changes, if any, and better enables them to properly account for ORF charges among their customers. The Exchange believes that continuing to limit changes to the ORF to twice a year on specific dates is equitable and not unfairly discriminatory because it will apply in the same manner to all Members that are subject to the ORF and provide them with additional advance notice of changes to that fee.

The Exchange believes that collecting the ORF from non-Members when such non-Members ultimately clear the transaction (that is, when the non-Member is the ''ultimate clearing firm'' for a transaction in which a Member was assessed the ORF) is an equitable allocation of reasonable dues, fees, and other charges among its members and issuers and other persons using its facilities. The Exchange notes that there is a material distinction between ''assessing'' the ORF and ''collecting'' the ORF. The ORF is only assessed to a Member with respect to a particular transaction in which it is either the executing clearing firm or ultimate clearing firm. The Exchange does not assess the ORF to non-Members. Once, however, the ORF is assessed to a Member for a particular transaction, the ORF may be collected from the Member or a non-Member, depending on how the transaction is cleared at OCC. If there was no change to the clearing account of the original transaction, the ORF would be collected from the Member. If there was a change to the clearing account of the original transaction and a non-Member becomes the ultimate clearing firm for that transaction, then the ORF will be collected from that non-Member. The Exchange believes that this collection practice continues to be reasonable and appropriate, and was originally instituted for the benefit of clearing firms that desired to have the ORF be collected from the clearing firm that ultimately clears the transaction.

The Exchange designed the ORF so that revenue generated from the ORF, 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.

The Exchange also believes the proposed fee change is equitable and not unfairly discriminatory in that it is charged to all Members on all their transactions that clear in the customer range at the OCC,[18] with an exception.[19] The Exchange believes the ORF ensures fairness by assessing higher fees to those members that require more Exchange regulatory services based on the amount of customer options business they conduct. 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. 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. Moreover, 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'')[20] 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.

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. This proposal does not create an unnecessary or inappropriate intra-market 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. The Exchange notes, however, the proposed change is not designed to address any competitive issues. Indeed, this proposal 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

[18] If the OCC clearing member is an Exchange Member, ORF is assessed and collected on all cleared customer contracts (after adjustment for CMTA); and if the OCC clearing member is not an Exchange Member, ORF is collected only on the cleared customer contracts executed at the Exchange, taking into account any CMTA instructions which may result in collecting the ORF from a non-Member.

[19] *See supra* note 16.

[20] ISG is an industry organization formed in 1983 to coordinate intermarket surveillance among the SROs by cooperatively sharing regulatory information pursuant to a written agreement between the parties. The goal of the ISG's information sharing is to coordinate regulatory efforts to address potential intermarket trading abuses and manipulations.

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

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act,[21] and Rule 19b–4(f)(2)[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 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 No. SR–EMERALD–2021–27 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File No. SR–EMERALD–2021–27. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File No. SR–EMERALD–2021–27, and should be submitted on or before September 17, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[23]

Jill M. Peterson,

Assistant Secretary.

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[21] 15 U.S.C. 78s(b)(3)(A)(ii).

[22] 17 CFR 240.19b–4(f)(2).

[23] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–92721; File No. SR–CboeBZX–2021–039]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Order Instituting Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change To List and Trade Shares of the Wise Origin Bitcoin Trust Under BZX Rule 14.11(e)(4), Commodity-Based Trust Shares

August 23, 2021.

On May 10, 2021, Cboe BZX Exchange, Inc. (''BZX'' 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 to list and trade shares (''Shares'') of the Wise Origin Bitcoin Trust (''Trust'') under BZX Rule 14.11(e)(4), Commodity-Based Trust Shares. The proposed rule change was published for comment in the **Federal Register** on June 1, 2021.[3]

On July 13, 2021, pursuant to Section 19(b)(2) of the Act,[4] the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.[5] This order institutes proceedings under Section 19(b)(2)(B) of the Act[6] to determine whether to approve or disapprove the proposed rule change.

I. Summary of the Proposal

As described in more detail in the Notice,[7] the Exchange proposes to list and trade the Shares of the Trust under BZX Rule 14.11(e)(4), which governs the listing and trading of Commodity-Based Trust Shares on the Exchange.

The investment objective of the Trust would be to seek to track the performance of bitcoin, as measured by the Fidelity Bitcoin Index PR (''Index''), adjusted for the Trust's expenses and other liabilities.[8] Each Share will represent a fractional undivided beneficial interest in and ownership of the Trust. The Trust's assets will consist of bitcoin held by the Custodian on behalf of the Trust. The Trust generally does not intend to hold cash or cash equivalents. However, there may be situations where the Trust will

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 91994 (May 25, 2021), 86 FR 29321 (June 1, 2021) (''Notice''). Comments on the proposed rule change can be found at: *https://www.sec.gov/comments/sr-cboebzx-2021-039/srcboebzx2021039.htm.*

[4] 15 U.S.C. 78s(b)(2).

[5] *See* Securities Exchange Act Release No. 92388 (July 13, 2021), 86 FR 38163 (July 19, 2021). The Commission designated August 30, 2021, as the date by which it should approve, disapprove, or institute proceedings to determine whether to disapprove the proposed rule change.

[6] 15 U.S.C. 78s(b)(2)(B).

[7] *See* Notice, *supra* note 3.

[8] FD Funds Management LLC (''Sponsor'') is the sponsor of the Trust, Delaware Trust Company is the trustee, and Fidelity Service Company, Inc. will be the administrator (''Administrator''). A third-party transfer agent will facilitate the issuance and redemption of Shares of the Trust, respond to correspondence by Trust shareholders and others relating to its duties, maintain shareholder accounts, and make periodic reports to the Trust. An affiliate of the Sponsor, Fidelity Distributors Corporation, will be the marketing agent in connection with the creation and redemption of ''baskets'' of Shares, and the Sponsor will provide assistance in the marketing of the Shares. Fidelity Digital Asset Services, LLC will serve as the Trust's custodian (''Custodian''). The Index methodology was developed by Fidelity Product Services, LLC and is administered by the Fidelity Index Committee. Coin Metrics, Inc. is the third-party calculation agent for the Index. The Sponsor's affiliates have an ownership interest in Coin Metrics, Inc. *See id.* at 29321, 29327 n.57, 29328–29.

unexpectedly hold cash on a temporary basis.[9]

In seeking to achieve its investment objective, the Trust will hold bitcoin and will value its Shares daily as of 4:00 p.m. E.T. using the same methodology used to calculate the Index. The Index is designed to reflect the performance of bitcoin in U.S. dollars. The Index is calculated using bitcoin price feeds from eligible bitcoin spot platforms. The current platform composition of the Index is Bitstamp, Coinbase, Gemini, itBit and Kraken. The Index market value is the volume-weighted median price of bitcoin in U.S. dollars over the previous five minutes, which is calculated by (1) ordering all individual transactions on eligible spot platforms over the previous five minutes by price, and then (2) selecting the price associated with the 50th percentile of total volume.[10]

The Net Asset Value (''NAV'') of the Trust means the total assets of the Trust including, but not limited to, all bitcoin and cash, if any, less total liabilities of the Trust, each determined on the basis of generally accepted accounting principles. The NAV of the Trust is calculated by taking the fair market value of its total assets based on the volume-weighted median price of bitcoin used for the calculation of the Index, subtracting any liabilities (which include accrued expenses), and dividing that total by the total number of outstanding Shares. The Administrator calculates the NAV of the Trust once each Exchange trading day. The NAV for a normal trading day will be released after 4:00 p.m. E.T.[11]

The Trust will provide information regarding the Trust's bitcoin holdings, as well as an Intraday Indicative Value (''IIV'') per Share updated every 15 seconds, as calculated by the Exchange or a third-party financial data provider during the Exchange's Regular Trading Hours (9:30 a.m. to 4:00 p.m. E.T.). The IIV will be calculated by using the prior day's closing NAV per Share as a base and updating that value during Regular Trading Hours to reflect changes in the value of the Trust's bitcoin holdings during the trading day.[12]

When the Trust sells or redeems its Shares, it will do so in ''in-kind'' transactions in blocks of Shares. Authorized participants will deliver, or facilitate the delivery of, bitcoin to the Trust's account with the Custodian in exchange for Shares when they purchase Shares, and the Trust, through the Custodian, will deliver bitcoin to such authorized participants when they redeem Shares with the Trust.[13]

II. Proceedings To Determine Whether To Approve or Disapprove SR–CboeBZX–2021–039 and Grounds for Disapproval Under Consideration

The Commission is instituting proceedings pursuant to Section 19(b)(2)(B) of the Act[14] to determine whether the proposed rule change should be approved or disapproved. Institution of proceedings is appropriate at this time in view of the legal and policy issues raised by the proposed rule change, as discussed below. Institution of proceedings does not indicate that the Commission has reached any conclusions with respect to any of the issues involved. Rather, as described below, the Commission seeks and encourages interested persons to provide comments on the proposed rule change.

Pursuant to Section 19(b)(2)(B) of the Act,[15] the Commission is providing notice of the grounds for disapproval under consideration. The Commission is instituting proceedings to allow for additional analysis of the proposed rule change's consistency with Section 6(b)(5) of the Act, which requires, among other things, that the rules of a national securities exchange be ''designed to prevent fraudulent and manipulative acts and practices'' and ''to protect investors and the public interest.''[16]

The Commission asks that commenters address the sufficiency of the Exchange's statements in support of the proposal, which are set forth in the Notice,[17] in addition to any other comments they may wish to submit about the proposed rule change. In particular, the Commission seeks comment on the following questions and asks commenters to submit data where appropriate to support their views:

1. What are commenters' views on whether the proposed Trust and Shares would be susceptible to manipulation? What are commenters' views generally on whether the Exchange's proposal is designed to prevent fraudulent and manipulative acts and practices? What are commenters' views generally with respect to the liquidity and transparency of the bitcoin markets, the bitcoin markets' susceptibility to manipulation, and thus the suitability of bitcoin as an underlying asset for an exchange-traded product?

2. What are commenters' views of the Exchange's assertion that the regulatory and financial landscapes relating to bitcoin and other digital assets have changed significantly since 2016?[18] Are the changes that the Exchange identifies sufficient to support the determination that the proposal to list and trade the Shares is designed to protect investors and the public interest and is consistent with the other applicable requirements of Section 6(b)(5) of the Act?

3. The Exchange states that ''approving this proposal . . . [would] allow U.S. investors with access to bitcoin in a regulated and transparent exchange-traded vehicle that would act to reduce risk'' associated with exposure through other means.[19] Further, the Exchange asserts that ''the manipulation concerns previously articulated by the Commission are sufficiently mitigated.''[20] What are commenters' views regarding such assertions?

4. According to the Exchange, ''[n]early every measurable metric related to [Chicago Mercantile Exchange's] Bitcoin Futures has trended consistently up since launch and/or accelerated upward in the past year.''[21] Based on data provided and the academic research cited by the Exchange, do commenters agree that the Chicago Mercantile Exchange (''CME'')'s bitcoin futures market now represents a regulated market of significant size?[22] What are commenters' views on whether there is a reasonable likelihood that a person attempting to manipulate the Shares would also have to trade on CME to manipulate the Shares? What are commenters' views on the Exchange's assertion that the combination of (a) CME bitcoin futures leading price discovery; (b) the overall size of the bitcoin market; and (c) the ability for market participants to buy or sell large amounts of bitcoin without significant market impact helps to prevent the Shares from becoming the predominant force on pricing in either the bitcoin spot or CME bitcoin futures markets?[23]

5. What are commenters' views on the Exchange's statement, generally, that bitcoin is resistant to price manipulation and that other means to prevent fraudulent and manipulative acts and practices exist to justify dispensing with the requisite

[9] *See id.* at 29328.

[10] *See id.* at 29329.

[11] *See id.* at 29329–30.

[12] *See id.* at 29329.

[13] *See id.* at 29328–29.

[14] 15 U.S.C. 78s(b)(2)(B).

[15] *Id.*

[16] 15 U.S.C. 78f(b)(5).

[17] *See* Notice, *supra* note 3.

[18] *See id.* at 29322–23.

[19] *See id.* at 29324.

[20] *See id.* at 29327.

[21] *See id.* at 29325.

[22] *See id.* at 29322.

[23] *See id.* at 29332.

surveillance sharing agreement with a regulated market of significant size related to bitcoin?[24] What are commenters' views on the Exchange's assertion in support of such statement that significant liquidity in the spot market and the impact of market orders on the overall price of bitcoin mean that attempting to move the price of bitcoin is costly?[25] What are commenters' views on the assertion that offering only in-kind creations and redemptions provides unique protections against potential attempts to manipulate the Shares and that the price the Sponsor uses to value the Trust's bitcoin ''is not particularly important''?[26]

III. Procedure: Request for Written Comments

The Commission requests that interested persons provide written submissions of their views, data, and arguments with respect to the issues identified above, as well as any other concerns they may have with the proposal. In particular, the Commission invites the written views of interested persons concerning whether the proposal is consistent with Section 6(b)(5) or any other provision of the Act, and the rules and regulations thereunder. Although there do not appear to be any issues relevant to approval or disapproval that would be facilitated by an oral presentation of views, data, and arguments, the Commission will consider, pursuant to Rule 19b–4, any request for an opportunity to make an oral presentation.[27]

Interested persons are invited to submit written data, views, and arguments regarding whether the proposal should be approved or disapproved by September 17, 2021. Any person who wishes to file a rebuttal to any other person's submission must file that rebuttal by October 1, 2021.

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–2021–039 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–2021–039. 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–2021–039 and should be submitted by September 17, 2021. Rebuttal comments should be submitted by October 1, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[28]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2021–18457 Filed 8–26–21; 8:45 am]

BILLING CODE 8011–01–P

[24] *See id.* at 29327 n.51.

[25] *See id.* at 29328.

[26] *See id.*

[27] Section 19(b)(2) of the Act, as amended by the Securities Act Amendments of 1975, Public Law 94–29 (June 4, 1975), grants the Commission flexibility to determine what type of proceeding—either oral or notice and opportunity for written comments—is appropriate for consideration of a particular proposal by a self-regulatory organization. *See* Securities Act Amendments of 1975, Senate Comm. on Banking, Housing & Urban Affairs, S. Rep. No. 75, 94th Cong., 1st Sess. 30 (1975).

[28] 17 CFR 200.30–3(a)(57).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–92724; File No. SR–BOX–2021–17]

Self-Regulatory Organizations; BOX Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Response Time Period in the Facilitation and Solicitation Auction Mechanisms

August 23, 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 10, 2021, BOX Exchange LLC (the ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the time period allowed for Participant submission of Responses in the Facilitation and Solicitation auction mechanisms from one (1) second to a time period designated by the Exchange of no less than 100 milliseconds and no more than one (1) second. The text of the proposed rule change is available from the principal office of the Exchange, at the Commission's Public Reference Room and also on the Exchange's internet website at *http://boxoptions.com.*

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to amend the time period allowed for Participant submission of Responses in the Facilitation and Solicitation auction mechanisms from one (1) second to a time period designated by the Exchange of no less than 100 milliseconds and no more than one (1) second.[3]

Rule 7270 contains the requirements applicable to the execution of orders in the Facilitation [4] and Solicitation [5] Auction Mechanisms. Currently, under the Facilitation and Solicitation auction mechanisms, when the Exchange receives a designated Agency Order for auction processing, a broadcast message will be sent and Options Participants will be given an opportunity to enter Responses with the prices and sizes at which they would be willing to participate in the execution of the Agency Order. Currently, the time given to Options Participants to enter Responses for Facilitation and Solicitation auctions is one (1) second pursuant to IM–7270–4. The Exchange now proposes to amend IM–7270–4 to state that the time given to Options Participants to enter Responses shall be determined by the Exchange and announced through a Regulatory Circular. The time to enter Responses will be no less than 100 milliseconds and no more than one (1) second. The Exchange notes that substantially similar language exists at other options exchanges with similar auction mechanisms.[6]

The Exchange believes that proposed rule change could provide more customer orders an opportunity for price improvement because it will reduce the market risk for all Participants executing trades in these mechanisms. Participants that submit orders into such mechanisms to initiate an auction (''Initiating Participants'') are required to guarantee an execution at the Agency Order price or a better, and are subject to market risk while the order is exposed in the mechanisms to other Participants. While other Participants are subject to market risk, the Initiating Participant is most exposed because the market can move against them during the auction period and they have guaranteed the customer an execution at the Agency Order price or better based on the market prices prior to the commencement of the auction. In today's fast-paced markets, big price changes can occur in 100 milliseconds or less, leaving the Initiating Participants vulnerable to trading losses due to their choice to seek price improvement for their customer. The Initiating Participant acts in a critical role in the price improvement process and their willingness to guarantee the customer an execution at the Agency Order Price or better is keystone to the customer order gaining the opportunity for price improvement. Therefore, limiting Initiating Participants' market risk by reducing the exposure time in the mechanisms should increase the likelihood that an Initiating Participant would seek price improvement for its customer by entering such orders into one of the mechanisms.

Further, although the Exchange currently plans to reduce the time period allowed for the auction Responses to 100 milliseconds, the Exchange believes that it is appropriate to provide the flexibility to choose a Response period of up to one (1) second as this is consistent with the rules of other options markets.[7]

The Exchange's Participants operate electronic systems that enable them to react and respond to orders in a meaningful way in fractions of a second. The Exchange anticipates that its Participants will continue to compete within the proposed auction duration designated by the Exchange. In particular, the Exchange believes the proposed auction Response time will continue to provide Participants with sufficient time to respond to, compete for, and provide price improvement for orders, and will provide investors and other market participants with more timely executions, and reduce their market risk.

To substantiate that BOX Participants can receive, process, and communicate a response to an auction broadcast within 100 milliseconds, the Exchange surveyed all Participants that responded to a Facilitation or Solicitation auction in the period beginning January 1, 2021 and ending June 30, 2021. The Exchange received responses from all Participants surveyed, and each Participant confirmed that they can receive, process, and communicate a response back to the Exchange within 100 milliseconds.

Accordingly, the Exchange believes that an auction time as low as 100 milliseconds will continue to provide Participants with sufficient time to respond to, compete for, and provide price improvement for orders, and will provide investors and other market participants with more timely executions, and reduce their market risk.

With regard to the impact of this proposal on system capacity, the Exchange has analyzed its capacity and represents that it has the necessary systems capacity to handle the potential additional traffic associated with the additional transactions that may occur with the implementation of the proposed reduction in the auction duration to no less than 100 milliseconds. Additionally, the Exchange represents that its systems will be able to sufficiently maintain an audit trail for order and trade information with the reduction in the auction duration.

Upon effectiveness of the proposal, the Exchange will issue an Informational Circular to Participants informing them of the implementation date of the reduction of the auction from one (1) second to the auction time designated by the Exchange to allow Participants the opportunity to perform systems changes. This will give Participants an opportunity to make any necessary modifications to coincide with the implementation date.

2. Statutory Basis

The Exchange believes that the proposal is consistent with the requirements of Section 6(b) of the Act,[8] in general, and Section 6(b)(5) of the

[3] While the Exchange intends to decrease the time period allowed for Responses, the proposed rule would also allow the Exchange to increase this time period up to one (1) second, which is the time currently allowed for the submission of Responses. *See* IM–7270–4.

[4] BOX's Facilitation Auction is a process by which an OFP can attempt to execute a transaction wherein the OFP seeks to facilitate a block-size order it represents as agent (''Agency Order''), and/or a transaction wherein the OFP solicited interest to execute against an Agency Order. OFPs must be willing to execute the entire size of Agency Orders entered into the Facilitation Auction through the submission of a contra ''Facilitation Order''. *See* BOX Rule 7270(a).

[5] BOX's Solicitation Auction is a process by which an OFP can attempt to execute orders of 500 or more contracts it represents as agent (the ''Agency Order'') against contra orders that it has solicited (''Solicited Order''). Each Agency Order entered into the Solicitation Auction shall be all-or-none. *See* BOX Rule 7270(b).

[6] *See* Securities Exchange Act Release Nos. 79352 (November 18, 2016), 82 FR 3055 (January 10, 2017) (Order Approving SR–ISE–2016–26, a Proposed Rule Change To Modify the Response Times in the Block Mechanism, Facilitation Mechanism, Solicited Order Mechanism, and Price Improvement Mechanism); 76301 (October 29, 2015), 80 FR 68347 (November 4, 2015) (SR–BX–2015–032); 77557 (April 7, 2016), 81 FR 21935 (April 13, 2016) (SR–PHLX–2016–40) *and* 80570 (May 1, 2017), 82 FR 28369 (June 21, 2017) (SR–MIAX–2017–16).

[7] *Id.*

[8] 15 U.S.C. 78f(b).

Act,[9] in particular, in that it designed to promote just and equitable principles of trade, 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.

In particular, the proposed rule change will provide investors with more timely execution of their option orders, while ensuring that there is an adequate exposure of orders in these mechanisms. Additionally, the proposed change will allow more investors the opportunity to receive price improvement through the mechanisms and will reduce market risk for Participants using the mechanisms. Finally, as mentioned above, other exchanges have amended their rules to permit response times consistent with those proposed here—*i.e.,* no less than 100 milliseconds and no more than 1 second.[10] As such, the Exchange believes the proposed rule change would help perfect the mechanism for a free and open national market system, and generally help protect investors' and the public's interest.

The Exchange believes the proposed rule change is not unfairly discriminatory because the auction duration would be the same for all Participants. All Participants in the mechanisms have today, and will continue to have, an equal opportunity to receive the broadcast and respond with their best prices during the auction. Additionally, the Exchange believes the reduction in the auction duration reduces the market risk for all Participants. The reduction in the time period reduces the market risk for the Initiating Participant as well as any Participants providing orders in response to a broadcast. Moreover, based on the feedback the Exchange received from its Participants, the Exchange believes that a reduction in the auction period to a low of 100 milliseconds would not impair Participants' ability to compete in the mechanisms. The Exchange believes these results support the assertion that a reduction in the auction duration would not be unfairly discriminatory and would benefit investors.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes the proposal is consistent with Section 6(b)(8) of the Act[11] in that it does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change provides the Exchange flexibility in determining potentially shorter durations for Facilitation and Solicitation auctions does not impose an undue burden on intra-market competition as the Exchange believes that allowing for an auction period of no less than 100 milliseconds and no more than 1 second will benefit Participants utilizing the auction mechanisms. The Exchange believes it is in these Participants' best interest to minimize the Facilitation and Solicitation Auction duration while continuing to allow Participants adequate time to respond electronically. Further, based on the feedback the Exchange received from its Participants, the Exchange believes that a reduction in the auction period to a low of 100 milliseconds would not impair Participants' ability to compete in the mechanisms.

The proposed rule allows Participants to respond quickly at the most favorable price while reducing the risk that the market will move against the response. The Exchange believes that its Participants will be able to compete within a range of no less than 100 milliseconds and no more than 1 second, and that any specific duration within this range is a sufficient amount of time to respond to, compete for, and provide price improvement for orders, and will provide investors and other market participants more timely executions, and reduce their market risk.

The Exchange does not believe its proposed rule change will impose an undue burden on inter-market competition as the Exchange notes other exchanges offer similar mechanisms with similar auction durations.[12]

For all the reasons stated, 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, and believes the proposed change will enhance competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[13] and Rule 19b–4(f)(6) thereunder.[14] Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[15] and Rule 19b–4(f)(6)(iii) thereunder.[16]

A proposed rule change filed under Rule 19b–4(f)(6)[17] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b–4(f)(6)(iii),[18] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Exchange states that waiver of the operative delay will allow the Exchange to immediately decrease the Response time which would allow Participants to respond quickly at their most favorable price, while reducing the risk that the market will move against the response. The Exchange also notes that other exchanges with similar auction mechanisms permit the same

[9] 15 U.S.C. 78f(b)(5).

[10] *See supra* note 6. The Exchange notes that its Facilitation and Solicitation mechanisms are substantially similar to the Facilitation and Solicitation mechanisms at Nasdaq ISE. The Exchange notes one minor difference. Specifically, ISE's Solicitation Mechanism does not include a surrender quantity provision where BOX's Solicitation Mechanism does. The Exchange believes this is a minor difference and will not have a material impact with respect to the proposed response time discussed herein. Further, as discussed above, Nasdaq ISE has identical rule language to that of the proposed language discussed herein. *See* Securities Exchange Act Release No. 79352 (November 18, 2016), 82 FR 3055 (January 10, 2017) (Order Approving SR–ISE–2016–26, a Proposed Rule Change To Modify the Response Times in the Block Mechanism, Facilitation Mechanism, Solicited Order Mechanism, and Price Improvement Mechanism). As such, the Exchange believes the proposed change does not raise any new or novel issues and should be approved by the Commission.

[11] 15 U.S.C. 78f(b)(8).

[12] *See supra* note 6.

[13] 15 U.S.C. 78s(b)(3)(A)(iii).

[14] 17 CFR 240.19b–4(f)(6).

[15] 15 U.S.C. 78s(b)(3)(A).

[16] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires the Exchange to give the Commission written notice of the Exchange's 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 240.19b–4(f)(6).

[18] 17 CFR 240.19b–4(f)(6)(iii).

response time period.[19] The Commission believes that the proposed changes do not raise any material new issues that have not been previously considered by the Commission. For this reason, the Commission believes that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest. Accordingly, the Commission hereby waives the 30-day operative delay and designates the proposal operative upon filing.[20]

At any time within 60 days of the filing of this proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form *(http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–BOX–2021–17 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–BOX–2021–17. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–BOX–2021–17, and should be submitted on or before September 17, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[21]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2021–18460 Filed 8–26–21; 8:45 am]

BILLING CODE 8011–01–P

[19] *See supra* note 6.

[20] For purposed only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[21] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #17110 and #17111; Washington Disaster Number WA–00097]

Administrative Declaration of a Disaster for the State of Washington

AGENCY: Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Administrative declaration of a disaster for the State of Washington dated 08/23/2021.

Incident: Hanover Apartment Complex Fire.

Incident Period: 07/10/2021.

DATES: Issued on 08/23/2021.

Physical Loan Application Deadline Date: 10/22/2021.

Economic Injury (EIDL) Loan Application Deadline Date: 05/23/2022.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the Administrator's disaster declaration, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: King.

Contiguous Counties:

Washington: Chelan, Kitsap, Kittitas, Pierce, Snohomish, Yakima.

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners with Credit Available Elsewhere	3.250
Homeowners without Credit Available Elsewhere	1.625
Businesses with Credit Available Elsewhere	5.760
Businesses without Credit Available Elsewhere	2.880
Non-Profit Organizations with Credit Available Elsewhere	2.000
Non-Profit Organizations without Credit Available Elsewhere	2.000
For Economic Injury:	
Businesses & Small Agricultural Cooperatives without Credit Available Elsewhere	2.880
Non-Profit Organizations without Credit Available Elsewhere	2.000

The number assigned to this disaster for physical damage is 17110 5 and for economic injury is 17111 0.

The State which received an EIDL Declaration # is Washington.

(Catalog of Federal Domestic Assistance Number 59008)

Isabella Guzman,

Administrator.

[FR Doc. 2021–18439 Filed 8–26–21; 8:45 am]

BILLING CODE 8026–03–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #17108 and #17109; Louisiana Disaster Number LA–00114]

Presidential Declaration of a Major Disaster for Public Assistance Only for the State of Louisiana

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for

the State of Louisiana (FEMA–4606–DR), dated 08/20/2021.

Incident: Severe Storms, Tornadoes, and Flooding.

Incident Period: 05/17/2021 through 05/21/2021.

DATES: Issued on 08/20/2021.

Physical Loan Application Deadline Date: 10/19/2021.

Economic Injury (EIDL) Loan Application Deadline Date: 05/20/2022.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on 08/20/2021, Private Non-Profit organizations that provide essential services of a governmental nature may file disaster loan applications at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Parishes: Ascension, Assumption, Calcasieu, East Baton Rouge, Iberville, Lafourche.

The Interest Rates are:

	Percent
For Physical Damage:	
Non-Profit Organizations with Credit Available Elsewhere ...	2.000
Non-Profit Organizations without Credit Available Elsewhere	2.000
For Economic Injury:	
Non-Profit Organizations without Credit Available Elsewhere	2.000

The number assigned to this disaster for physical damage is 17108 B and for economic injury is 17109 0.

(Catalog of Federal Domestic Assistance Number 59008)

James Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2021–18448 Filed 8–26–21; 8:45 am]

BILLING CODE 8026–03–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #17114 and #17115; Tennessee Disaster Number TN–00130]

Presidential Declaration of a Major Disaster for the State of Tennessee

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for the State of Tennessee (FEMA–4609–DR), dated 08/23/2021.

Incident: Severe Storm and Flooding.

Incident Period: 08/21/2021.

DATES: Issued on 08/23/2021.

Physical Loan Application Deadline Date: 10/22/2021.

Economic Injury (EIDL) Loan Application Deadline Date: 05/23/2022.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on 08/23/2021, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster: Primary Counties (Physical Damage and Economic Injury Loans): Humphreys.

Contiguous Counties (Economic Injury Loans Only):

Tennessee: Benton, Dickson, Hickman, Houston, Perry.

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners with Credit Available Elsewhere	3.125
Homeowners without Credit Available Elsewhere	1.563
Businesses with Credit Available Elsewhere	5.710
Businesses without Credit Available Elsewhere	2.855
Non-Profit Organizations with Credit Available Elsewhere ...	2.000
Non-Profit Organizations without Credit Available Elsewhere	2.000
For Economic Injury:	
Businesses & Small Agricultural Cooperatives without Credit Available Elsewhere	2.855
Non-Profit Organizations without Credit Available Elsewhere	2.000

The number assigned to this disaster for physical damage is 17114 6 and for economic injury is 17115 0.

(Catalog of Federal Domestic Assistance Number 59008)

James Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2021–18484 Filed 8–26–21; 8:45 am]

BILLING CODE 8026–03–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #17116 and #17117; Missouri Disaster Number MO–00110]

Administrative Declaration of a Disaster for the State of Missouri

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Administrative declaration of a disaster for the State of Missouri dated 08/24/2021.

Incident: Severe Storms, Flooding and Flash Flooding.

Incident Period: 06/25/2021 through 06/27/2021.

DATES: Issued on 08/24/2021.

Physical Loan Application Deadline Date: 10/25/2021.

Economic Injury (EIDL) Loan Application Deadline Date: 05/24/2022.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the Administrator's disaster declaration, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Cole.

Contiguous Counties:

Missouri: Boone, Callaway, Miller, Moniteau, Osage.

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners with Credit Available Elsewhere	3.250
Homeowners without Credit Available Elsewhere	1.625
Businesses with Credit Available Elsewhere	5.760
Businesses without Credit Available Elsewhere	2.880
Non-Profit Organizations with Credit Available Elsewhere	2.000
Non-Profit Organizations without Credit Available Elsewhere	2.000
For Economic Injury:	
Businesses & Small Agricultural Cooperatives without Credit Available Elsewhere	2.880
Non-Profit Organizations without Credit Available Elsewhere	2.000

The number assigned to this disaster for physical damage is 17116 6 and for economic injury is 17117 0.

The State which received an EIDL Declaration # is Missouri.

(Catalog of Federal Domestic Assistance Number 59008)

Isabella Guzman,

Administrator.

[FR Doc. 2021–18547 Filed 8–26–21; 8:45 am]

BILLING CODE 8026–03–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #17112 and #17113; Illinois Disaster Number IL–00067]

Administrative Declaration of a Disaster for the State of Illinois

AGENCY: Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Administrative declaration of a disaster for the State of ILLINOIS dated 08/23/2021.

Incident: Flooding.

Incident Period: 08/12/2021.

DATES: Issued on 08/23/2021.

Physical Loan Application Deadline Date: 10/22/2021.

Economic Injury (EIDL) Loan Application Deadline Date: 05/23/2022.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the Administrator's disaster declaration, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Ford.

Contiguous Counties:

Illinois: Champaign, Iroquois, Kankakee, Livingston, McLean, Vermilion.

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners with Credit Available Elsewhere	3.125
Homeowners without Credit Available Elsewhere	1.563
Businesses with Credit Available Elsewhere	5.710
Businesses without Credit Available Elsewhere	2.855
Non-Profit Organizations with Credit Available Elsewhere	2.000
Non-Profit Organizations without Credit Available Elsewhere	2.000
For Economic Injury:	
Businesses & Small Agricultural Cooperatives without Credit Available Elsewhere	2.855
Non-Profit Organizations without Credit Available Elsewhere	2.000

The number assigned to this disaster for physical damage is 17112 6 and for economic injury is 17113 0.

The State which received an EIDL Declaration # is Illinois.

(Catalog of Federal Domestic Assistance Number 59008)

Isabella Guzman,

Administrator.

[FR Doc. 2021–18437 Filed 8–26–21; 8:45 am]

BILLING CODE 8026–03–P

DEPARTMENT OF STATE

[Public Notice: 11510]

Notice of Department of State Sanctions Actions Sanctions Blocking Property and Suspending Entry of Certain Persons Contributing to the Situation in Syria

SUMMARY: The Secretary of State has imposed sanctions on three individuals pursuant to E.O. 13894, Sanctions Blocking Property and Suspending Entry of Certain Persons Contributing to the Situation in Syria.

DATES: The Secretary of State's determination and selection of certain sanctions to be imposed upon the entity identified in the **SUPPLEMENTARY INFORMATION** section were effective on July 28, 2021.

FOR FURTHER INFORMATION CONTACT: Jim Mullinax, Director, Office of Economic Sanctions Policy and Implementation, Bureau of Economic and Business Affairs, Department of State, Washington, DC 20520, tel.: (202) 647–7677, email: *MullinaxJD@state.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to Section 2(a) of E.O. 13894 of October 14, 2019, the Secretary of State, in consultation with the Secretary of the Treasury, and other officials of the U.S. Government as appropriate, is authorized to impose on a person any of the sanctions described in sections 2(b) and 2(c) of E.O. 13894 upon determining that the person met any criteria set forth in section 2(a) of E.O. 13894.

The Secretary of State has determined, pursuant to Section 2(a)(i)(A) of E.O. 13894, that Saraya al-Areen is responsible for or complicit in, has directly or indirectly engaged in, attempted to engage in, or financed, the obstruction, disruption, or prevention of a ceasefire in northern Syria.

Pursuant to Sections 2(b) and 2(c) of E.O. 13894, the Secretary of State has selected the following sanctions to be imposed upon Saraya al-Areen:

- Block all property and interests in property 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 of Saraya al-Areen, and provide that such property and interests in property may not be transferred, paid, exported, withdrawn, or otherwise dealt in (Section 2(c)(iv) of E.O. 13894).

Peter D. Haas,

Assistant Secretary, Acting, Bureau of Economic and Business Affairs, Department of State.

[FR Doc. 2021–18477 Filed 8–26–21; 8:45 am]

BILLING CODE 4710–AE–P

DEPARTMENT OF STATE

[Public Notice 11518]

Notice of Determinations; Additional Culturally Significant Objects Being Imported for Exhibition—Determinations: ''Rubens: Picturing Antiquity'' Exhibition

SUMMARY: On September 24, 2020, notice was published on page 60280 of the **Federal Register** (volume 85, number 186) of determinations pertaining to one object to be included in an exhibition entitled ''Rubens:

Picturing Antiquity.'' Notice is hereby given of the following determinations: I hereby determine that certain additional objects being imported from abroad pursuant to agreements with their foreign owners or custodians for temporary display in the aforesaid exhibition at The J. Paul Getty Museum at the Getty Villa, Pacific Palisades, California, 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. 2021–18447 Filed 8–26–21; 8:45 am]

BILLING CODE 4710–05–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Request for Comments on Certain Products Exclusions Related to COVID–19: China's Acts, Policies, and Practices Related to Technology Transfer, Intellectual Property, and Innovation

AGENCY: Office of the United States Trade Representative (USTR).

ACTION: Notice and request for comments.

SUMMARY: In prior notices, the U.S. Trade Representative modified the action in the Section 301 investigation of China's acts, policies, and practices related to technology transfer, intellectual property, and innovation by excluding from additional duties certain medical-care products needed to address the COVID–19 pandemic. These exclusions are scheduled to expire on September 30, 2021. In light of developments in the production capacity of the United States in the subject products and continuing efforts in the battle against COVID–19, USTR is requesting public comments on whether to extend particular exclusions past September 30, 2021.

DATES:

August 27, 2021: The public docket on the web portal at *https://comments.USTR.gov* will open for parties to submit comments.

September 27, 2021 at 11:59 p.m. ET: To be assured of consideration, submit written comments on the public docket by this time.

ADDRESSES: You must submit all comments through the online portal: *https://comments.USTR.gov*.

FOR FURTHER INFORMATION CONTACT: Associate General Counsel Philip Butler or Assistant General Counsel Edward Marcus at (202) 395–5725.

SUPPLEMENTARY INFORMATION:

A. Background

In the course of this investigation the U.S. Trade Representative has imposed additional duties on products of China in four tranches. *See* 83 FR 28719 (June 20, 2018); 83 FR 40823 (August 16, 2018); 83 FR 47974 (September 21, 2018) as modified by 83 FR 49153 (September 28, 2018); and 84 FR 43304 (August 20, 2019) as modified by 84 FR 69447 (December 18, 2019) and 85 FR 3741 (January 22, 2020).

For each tranche, the U.S. Trade Representative established a process by which U.S. stakeholders could request the exclusion of particular products subject to the action. The U.S. Trade Representative later established a process by which U.S. stakeholders could request the extension of particular exclusions. Additionally, on March 25, 2020, the U.S. Trade Representative requested public comments on possible further modifications to remove Section 301 duties from additional medical-care products to address the COVID–19 pandemic. 85 FR 16987 (March 25, 2020).

On December 29, 2020, USTR announced the extension of 80 product exclusions on medical-care and/or COVID response products; further modifications, in the form of 19 product exclusions, to remove Section 301 duties from additional medical-care and/or COVID response products; and that USTR might consider further extensions and/or modifications as appropriate. *See* 85 FR 85831 (the December 29 notice). On March 10, 2021, USTR announced the extension of these 99 exclusions to September 30, 2021; and that USTR might consider further extensions and/or modifications as appropriate. *See* 86 FR 13785.

B. Request for Public Comments

Subsequent to USTR's announcement of the extension of the 99 exclusions for COVID–19 response products in March, the spread of COVID–19 in the United States initially declined, and domestic production of certain products covered by these exclusions increased. With the recent spread of the Delta variant, COVID–19 cases in the United States are increasing again. In light of these changing circumstances, including the ability of the United States to obtain certain products domestically or from other sources, USTR is requesting public comments on whether to extend particular exclusions for COVID–19 products for up to six months.

USTR will evaluate each exclusion on a case-by-case basis. The evaluation will examine whether it remains appropriate to exclude certain products from the additional Section 301 duties in light of recent developments including the spread of the Delta variant in the United States and increased domestic production of certain products, and taking account of the overall impact of these exclusions on the goal of obtaining the elimination of China's acts, policies, and practices covered in this Section 301 investigation.

C. Procedures To Comment on Particular COVID–19 Exclusions

The 99 COVID exclusions can be found in the four annexes (A, B, C, and D) of the December 29 notice. To submit a comment regarding any particular COVID–19 exclusion, a commenter first must register on the portal at *https://comments.USTR.gov*. As noted above, the public docket on the portal will be open from August 27, 2021, to September 27, 2021. After registration, the commenter may submit a comment form to the public docket. Fields on the comment form marked with an asterisk (*) are required fields. Fields with a gray (BCI) notation are for business confidential information, which will not be publicly available. Fields with a green (Public) notation will be publicly available. Additionally, parties will be able to upload documents and indicate whether the documents are BCI or public. Commenters will be able to review the public version of their comments before they are posted.

Set out below is a summary of the information to be entered on the exclusion comment form.

• Contact information, including the full legal name of the organization making the comment, whether the commenter is a third party (*e.g.,* law firm, trade association, or customs broker) submitting on behalf of an organization or industry, and the name of the third party organization, if applicable.

• The annex (annexes A, B, C, or D) of the December 29 notice (85 FR 85831) with the exclusion you are commenting on, the specific exclusion (number for the exclusion on which you are commenting as provided in the annex of the December 29 notice).

• Whether you support or oppose extending the exclusion beyond September 30, 2021.

• Rationale for supporting or opposing an extension.

Commenters also may provide any other information or data that they consider relevant.

D. Submission Instructions

To be assured of consideration, you must submit your comment when the public docket on the portal is open—from August 27, 2021, to September 27, 2021. Parties seeking to comment on two or more exclusions must submit a separate comment for each exclusion. By submitting a comment, the commenter certifies that the information provided is complete and correct to the best of their knowledge.

Greta M. Peisch,

General Counsel, Office of the United States Trade Representative.

[FR Doc. 2021–18521 Filed 8–26–21; 8:45 am]

BILLING CODE 3290–F1–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No.: FAA–2021–0710; Notice No. 21–01]

Noise Certification Standards: Matternet Model M2 Aircraft

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

ACTION: Notice of proposed rulemaking (NPRM), rule of particular applicability.

SUMMARY: The Federal Aviation Administration (FAA) proposes noise certification standards that would apply only to the Matternet model M2 quadcopter unmanned aircraft because there are currently no generally applicable noise certification standards for this aircraft.

DATES: Send comments on or before September 27, 2021.

ADDRESSES: Send comments identified by docket number FAA–2021–0710 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 can be reviewed at *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: For technical questions concerning this action, contact Hua (Bill) He, Federal Aviation Administration, Office of Environment and Energy, 800 Independence Ave. SW, Room 900 West, Washington, DC 20591; telephone (202) 267–3565; email *hua.he@faa.gov*.

SUPPLEMENTARY INFORMATION:

I. Authority for This Rulemaking

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

This rulemaking is issued under the authority described in subtitle VII, chapter 447, section 44715. Section 44715(a)(3) states that an original type certificate for an aircraft may be issued only after the Administrator of the FAA prescribes noise standards and regulations under that section that apply to the aircraft. This regulation is within the scope of that authority.

II. Need for This Rulemaking

Section 44704 of Title 49 of the United States Code requires that the FAA issue a type certificate to an applicant that presents a qualified design. Section 44715(a)(3) requires the FAA to prescribe noise standards for an aircraft before a type certificate may be issued.

The current noise standards are contained in 14 CFR part 36. Within part 36, aircraft are distinguished by type, including jet airplanes, large turboprop airplanes, small airplanes, helicopters, and tiltrotors. When the FAA began issuing type certificates for unmanned aircraft (UA) several years ago, it used the noise standards for the type of manned aircraft that was most like the UA seeking type certification and that were compatible with the type classification. In the first two certifications, the FAA applied the small airplane standards under subpart F and appendix G. The small helicopter standards of subpart H and appendix J might also be found as applicable based on the design of an aircraft presented for certification.

The increase of low-altitude UA operations, and the increased demand for commercial operation using them, has caused the FAA to re-evaluate whether the requirements for certain categories of aircraft (*e.g.,* helicopters, tilt-rotors, small propeller-driven fixed wing) described in part 36 remain appropriate for the noise certification of particular UA designs like the Matternet M2. The FAA has recently begun to consider not only the means of propulsion and flight, but the amount and type of noise generated by UA, which in many cases are small in size, electrically (battery) powered, and may include distributed propulsion features or vertical takeoff and landing capabilities. As a result, it is possible that these aircraft generate less noise than was contemplated when part 36 was promulgated.

A significant consideration is the expected operating environment for UA. Manned airplanes and helicopters normally operate from airports or helipads that include property that serves as a primary buffer from the general population. The methods of testing and determining proper noise limits used these proximities to the population as their bases, with testing done at large airport test locations and at altitudes representative of takeoff and landing. The UA addressed in this proposal, however, is an aircraft that is intended to operate in closer proximity

to people, such as delivering packages in residential areas. These uses are expected to have an impact on persons and property from much closer distances than traditional piloted aircraft.

When tested under the current requirements of part 36 for manned aircraft, the noise generated by many UA could be lost in the ambient background noise at the reference altitude of 492 feet required in part 36 appendix J, while the noise in their proposed operating environments would be more apparent to persons near it.

The use of distributed electric propulsion and a high level of automated control at each rotor allow UA to operate with a variety of profiles, unlike those of larger manned aircraft. The complex vortex field created by the interaction of the rotors, combined with the airframe, can cause such aircraft to exhibit highly tonal spectral content and unique noise directivity patterns that are often coupled with the vehicle flight dynamics and flight profiles. Such noise characteristics and flight profiles have not been considered previously under the standards and testing contained in part 36 and its appendices. These noise characteristics and flight profiles are examples of the factors that caused the FAA to test these aircraft and gather consistent data as a means to understand their relevance and eventual use in informing future standards generally applicable to UA.

Effective generally applicable noise rules require a base of data gathered from a test environment common for all aircraft, and certifications of unmanned aircraft such as this one represent the early stages of such data gathering. At present, the FAA does not have a sufficient database of information about the noise generated by most UA models to establish generally applicable noise standards, due to their novelty and variety. While small UA have operated under part 107 for several years, those aircraft do not have type or airworthiness certificates, and did not require noise testing; only limited noise data on those smaller models has been collected, and most of the collected data was acquired in a manner inconsistent with formal noise certification test conditions.

As industry seeks both type and airworthiness certification for UA to allow operation under part 91 or commercial operation under part 135, a commensurate shift in the noise certification paradigm is occurring as a means to capture new operational concepts that will be reflected in future regulations. While the FAA will continue to build a database of noise characteristics as it engages with certification applicants, such data gathering takes time and requires input about a number of models and designs before the influences of design on noise can be fully understood. FAA expects to use data collected through this proposed rule to inform future particularly and generally applicable standards.

Matternet applied for type certification of its aircraft on May 18, 2018. The aircraft is a quadcopter design UA with a maximum takeoff weight of 29 pounds including a 4-pound payload, and a proposed operating altitude of 400 feet or lower. Since the FAA has found that the current noise certification standards cannot be effectively applied to the Matternet Model M2 UA, in order to fulfill the statutory requirement under section 44715(a)(3), the FAA is proposing a set of noise certification standards described in this Rule of Particular Applicability that would apply only to the Matternet model M2.

Without this proposed rule, Matternet would be unable to certificate its aircraft until such time as the FAA was able to establish a rule of general applicability for UA noise certification. The benefits of this proposal include establishing a noise certification basis for Matternet to seek type certification, the fulfillment of the FAA's obligation to provide noise standards under 49 U.S.C. 44715, and the collection of additional data that will be used to inform the development of a larger UA noise database from which future standards of general applicability may be developed.

III. Discussion of the Proposal

This proposed rule presents only the noise certification basis for one new model of UA seeking type certification, the Matternet M2. Nothing in this proposed rule is intended to affect the airworthiness certification of this aircraft model or any operational approvals.[1] Those findings are made separately by the FAA in accordance with the applicable aircraft certification and operating rules.

When an applicant presents an aircraft (of any type) for certification, the FAA must determine which among its many regulations apply to the aircraft presented. This is true for airworthiness standards and noise standards. This is an iterative process, during which the FAA determines the standards and processes that apply, taking into account any new or novel features of the aircraft. The FAA works closely with the applicant to ensure that the applicant understands what standards apply, and what must be demonstrated during certification.

As previously discussed, in the case of the Matternet model M2 UA, the FAA reviewed part 36, including its appendices, and determined that while the subject aircraft has some characteristics that are similar to a small helicopter that would be noise certificated under appendix J, the differences require noise certification test criteria and standards tailored to the size and features of the UA. The FAA then worked with Matternet to understand the novel features and expected operating environment of the aircraft so that the FAA could determine the appropriate modifications and additions to the limits and procedures to develop a complete noise certification basis that would effectively profile the aircraft. The results of the agency's assessments are presented in this proposed rule. The proposed rule text is annotated at the beginning of each paragraph to indicate similar requirements in appendix J for those unfamiliar with noise certification requirements. The requirements presented in this proposal stand alone for certification of the M2 aircraft.

In addition to the data gathered for noise certification of the model M2, the applicant has agreed to conduct another test and give the resulting data to the FAA to inform the larger database of noise experience with UA. Data from the supplemental test are not part of the type or airworthiness certification basis of the aircraft and will not be evaluated against any noise limits or regulatory criteria for noise certification purposes.

The supplemental test is designed to gather further information on an aircraft that is capable of hovering. The FAA developed the supplemental testing procedure with a consideration toward minimal test efforts; for example, no new or extra equipment is required. Additionally, rather than placing microphones at different spatial locations, the microphone is placed at height 4 feet above the ground in accordance with paragraph (22) of this proposed rule and remains in place.

Differences From Generally Applicable Noise Regulations

As stated above, the FAA began its determination of the noise certification basis for the Matternet M2 aircraft using the outline of standards and procedures for small helicopters. To compensate for

[1] In addition, this rule neither assesses the environmental impacts of any eventual operation of the subject aircraft, nor constitutes any environmental review that may be required by the FAA before granting operational approval. Any such environmental review would be completed in advance of granting operational approval(s).

the novel aircraft design features, including the size, propulsion system, and proposed flight operations, the FAA proposes the following new standards for inclusion in the M2 noise certification basis:

1. The reference altitude for the level flyover test is 250 feet (rather than 492 feet in appendix J), item 6 in the proposed standard. This lower reference altitude addresses the nominal altitude for this UA, and was determined to be representative of the lowest cruise altitude for this UA based on operational data provided by the applicant. A major consideration in choosing reference altitude was the ability to collect sufficient noise signals that exceeded the background (ambient) noise at a typical test site (maintaining an acceptable signal-to-noise ratio). As tests are conducted, an applicant may be directed by the FAA to fly the aircraft at an altitude lower than the reference height to achieve a signal-to-noise ratio that meets the certification test requirements. If that occurs, the noise data collected at the actual test altitude would be mathematically adjusted to the reference altitude after the testing is complete. All such adjustments would be included in the test report.

2. The reference airspeeds for flyover testing are: (a) Maximum flight speed at empty weight; and (b) highest cruise speed at maximum takeoff weight, (rather than a single reference speed as is used for small helicopters), paragraph (6)(c) in the proposed rule. Although both speed and aircraft weight contribute to noise generation, the FAA does not have sufficient data regarding these two factors to know which dominates in UA designs such as the Matternet model M2. The proposed rule requires the aircraft to be tested at two sets of reference conditions to address the potential noise conditions over a range of operations determined to be representative of the aircraft operation.

3. The sound exposure level limit is 78 dB at the prescribed new reference level flyover altitude of 250 feet. Two considerations resulted in this new limit. The first consideration accounts for the lower reference altitude, which, without a consideration for weight, would increase the noise to 85.7 dB, or 3.7 dB higher than 82 dB in appendix J for a small helicopter weighting less than 3,215 lbs. and flying at reference altitude of 492 ft. The second consideration is for aircraft weight. The curve that flattens out at 82 dB in appendix J applies to small manned helicopters weighing between 0 and 3,125 lbs.; this curve was simplified to include the possibility of manned ultralight helicopters of unknown weight. In evaluating the Matternet M2 noise, the noise curve section reduced at a constant, resulting in the limit proposed here, which is 7.7 dB lower. The two adjustments together yields the new noise limit of 78 dB (78 = 82 + 3.7 − 7.7).

This proposed rule also contains updated terminology, equipment references, recording standards, and relevant best practices that have become standard in the industry since appendix J was first adopted in 1992 and are used in current noise certification. As an example, the FAA included more detailed requirements for the area immediately surrounding a test microphone regarding the condition of the ground surface, which is expected to be more sensitive to smaller aircraft with a single microphone arrangement. Such additions were sourced from FAA guidance materials and agency orders.

This proposed rule also includes the requirement to create and get approval for a test plan, which is used during certification testing but may be unfamiliar to newer certification applicants. An applicant seeking noise type certification must prepare a test plan when testing is required to demonstrate compliance to the regulations. The applicant should submit the test plan early enough to allow the FAA time to review and approve the test plan before the planned start of testing. A test plan typically contains descriptions of the aircraft, equipment, calibration procedures, and test procedures.

The FAA seeks specific input from interested persons concerning the considerations the agency used to select the proposed reference test height of 250 feet AGL for flyover noise testing of UAS, as discussed here. Commenters are encouraged to submit any data that supports the use of different considerations that would be appropriate for aircraft of this type.

IV. Regulatory Notices and Analyses

A. Executive Order 12866, Regulatory Planning and Review

This proposed rule of particular applicability is not subject to review under Executive Order 12866, Regulatory Planning and Review, as that Executive Order applies only to rules of general applicability.

B. Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 (Pub. L. 96–354) (RFA) establishes ''as a principle of regulatory issuance that agencies shall endeavor, consistent with the objectives of the rule and of applicable statutes, to fit regulatory and informational requirements to the scale of the businesses, organizations, and governmental jurisdictions subject to regulation.'' To achieve this principle, agencies are required to solicit and consider flexible regulatory proposals and to explain the rationale for their actions to assure that such proposals are given serious consideration. The RFA covers a wide-range of small entities, including small businesses, not-for-profit organizations, and small governmental jurisdictions.

Agencies must perform a review to determine whether a proposed rule will have a significant economic impact on a substantial number of small entities. If the agency determines that it will, the agency must prepare a regulatory flexibility analysis as described in the RFA. However, if an agency determines that a proposed rule is not expected to have a significant economic impact on a substantial number of small entities, section 605(b) of the RFA provides that the head of the agency may so certify, and a regulatory flexibility analysis is not required.

This proposed rule only impacts Matternet, which is considered a small business based on the U.S. Small Business Administration (SBA) size standards. The SBA lists small business size standards based on the North American Industry Classification System (NAICS). NAICS code 336411 is titled ''Miscellaneous Aircraft Manufacturing,'' and includes the manufacture of unmanned and robotic aircraft. The SBA defines industries within this code to be small if they employ 1,500 employees or less.

The FAA expects this proposed rule of particular applicability would have small costs for Matternet to conduct tests and gather data. These would be one-time test costs representing a very small cost relative to the overall costs of seeking of type certification. This proposed rule would benefit Matternet by enabling a noise certification basis for it to complete the type certification it seeks. The FAA expects this proposed rule would not have a significant economic impact on Matternet.

If an agency determines that a rulemaking will not result in a significant economic impact on a substantial number of small entities, the head of the agency may so certify under section 605(b) of the RFA. Therefore, based on the foregoing discussion, as provided in section 605(b), the head of the FAA certifies that this rulemaking will not result in a significant economic impact on a substantial number of small entities. The FAA requests comments on this certification.

C. International Trade Impact

The Trade Agreements Act of 1979 (Pub. L. 96–39), as amended by the Uruguay Round Agreements Act (Pub. L. 103–465), prohibits Federal agencies from establishing standards or engaging in related activities that create unnecessary obstacles to the foreign commerce of the United States. Pursuant to these Acts, the establishment of standards is not considered an unnecessary obstacle to the foreign commerce of the United States, so long as the standard has a legitimate domestic objective, such as the protection of safety, and does not operate in a manner that excludes imports that meet this objective. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards. The FAA has determined this proposed rule would not present any obstacle to foreign commerce of the United States. In addition, this proposed rule is not contrary to international standards since no international standards for UA noise certification exist.

D. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4) requires each Federal agency to prepare a written statement assessing the effects of any Federal mandate in a proposed or final agency rule that may result in an expenditure of $100 million or more (in 1995 dollars) in any one year by State, local, and tribal governments, in the aggregate, or by the private sector; such a mandate is deemed to be a ''significant regulatory action.'' The FAA currently uses an inflation-adjusted value of $155 million in lieu of $100 million. This proposed rule does not contain such a mandate; therefore, the requirements of Title II of the Act do not apply.

E. Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)) requires that the FAA consider the impact of paperwork and other information collection burdens imposed on the public. The FAA has determined that this proposed rule does not impose any new requirement for information collection covered by the Act.

F. International Compatibility

The FAA remains actively involved in the International Civil Aviation Organization's (ICAO) Committee on Aviation Environmental Protection (CAEP) and CAEP's Working Group 1 that addresses aircraft noise. Working Group 1 began activities to address noise from UA in 2013. There are at present no noise or other environmental standards for UA that have been adopted into ICAO Annex 16. The FAA has determined that there are no ICAO Standards and Recommended Practices that correspond to these proposed regulations so as to require conformance.

While the FAA has begun type and noise certification of UA, the European Union Aviation Safety Agency (EASA) has focused on operational regulations. In March 2020, EASA published its Easy Access Rules for Unmanned Aircraft (Regulation 2019/947 and delegated regulation 2019/945), which contain the applicable rules and procedures for the operation of unmanned aircraft in the EU. While the regulations contain some requirements for noise measurement depending on the operating environment of the UA, they are limited to operations in the EU and are not a certification standard as is proposed here.

G. Environmental Analysis

FAA Order 1050.1F identifies FAA actions that are categorically excluded from preparation of an environmental assessment or environmental impact statement under the National Environmental Policy Act in the absence of extraordinary circumstances. The FAA has determined this rulemaking action qualifies for the categorical exclusion identified in paragraph 5–6.6 (d) (Categorical Exclusions for Regulatory Actions) since it is a rulemaking action that proposes a certification test standard, and would not presume the acceptability of operation of any particular aircraft in any location. No extraordinary circumstances are involved.

V. Executive Order Determinations

A. Executive Order 13132, Federalism

The FAA has analyzed this proposed rule under the principles and criteria of Executive Order 13132, Federalism. The agency has determined that this action would not have a substantial direct effect on the States, or the relationship between the Federal Government and the States, or on the distribution of power and responsibilities among the various levels of government, and, therefore, would not have Federalism implications.

B. Executive Order 13211, Regulations That Significantly Affect Energy Supply, Distribution, or Use

The FAA analyzed this proposed rule under Executive Order 13211, Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use (May 18, 2001). The agency has determined that it would not be a ''significant energy action'' under the executive order and would not be likely to have a significant adverse effect on the supply, distribution, or use of energy.

VI. Additional Information

A. Comments Invited

The FAA invites interested persons to participate in this rulemaking by submitting written comments, data, or views. The agency also invites comments relating to the economic, environmental, energy, or federalism impacts that might result from adopting the proposals in this document. The most helpful comments 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.

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: 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 Hua (Bill) He, Federal Aviation Administration, Office of Environment and Energy, 800 Independence Ave. SW, Room 900

West, Washington, DC 20591; telephone (202) 267–3565; email *hua.he@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.

B. Availability of Rulemaking Documents

An electronic copy of rulemaking documents may be obtained from the internet by—

1. Searching the Federal eRulemaking Portal (*www.regulations.gov*);

2. Visiting the FAA's Regulations and Policies web page at *www.faa.gov/regulations_policies* or

3. Accessing the Government Printing 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.

The Proposed Noise Certification Basis

In consideration of the foregoing, and under the authority of Title 49 of the United States Code, section 44715(a), the Federal Aviation Administration proposes that the following standards and procedures apply as the noise certification basis of the Matternet M2 model aircraft.

All statutory references in this Rule of Particular Applicability (rule) refer to Title 49 of the United States Code. All regulatory references refer to Title 14 of the Code of Federal Regulations, part 21 or part 36 and its appendices, unless otherwise cited.

Noise Certification Requirements for the Matternet M2 Model Aircraft:

(1) *General:* The requirements and limitations of 14 CFR 36.3 and 36.6 apply to the Matternet M2 model aircraft, except as described herein.

(a) *Limitations* (Reference § 36.5, as modified): Pursuant to 49 U.S.C. 44715(b)(4), the noise level in this Rule of Particular Applicability (rule) has been determined to be as low as is economically reasonable, technologically practicable, and appropriate for this aircraft. No determination is made that these noise levels are or should be acceptable or unacceptable for operation at, into, or out of, any airport, landing or launch pad, community, or any other environment that may be impacted or is sensitive to noise.

(b) *Acoustical Change* (Reference § 36.9 as modified): If, after type certification using the requirements stated herein, the aircraft incorporates a change in type design, the changed design is subject to an acoustical change analysis and approval in accordance with § 21.93(b). After such change in design, the aircraft may not subsequently exceed the noise limits specified in this rule.

(2) *Noise Measurement* (Reference § 36.801, as modified): The noise generated by the aircraft must be measured at the noise measuring point and under the test conditions prescribed in paragraphs (7) through (23) of this rule, or using an equivalent procedure approved by the FAA before testing. Any procedure not approved by the FAA before a test is performed is subject to disapproval and may require the aircraft to be retested using an approved procedure.

(3) *Noise Evaluation* (Reference § 36.803, as modified): The noise measurement data required by paragraph (2) of this rule must be obtained using the test procedures in paragraphs (7) through (23) of this rule, and:

(a) Corrected to the reference conditions contained in paragraphs (5) and (6) of this rule; and

(b) Evaluated using the procedures in paragraphs (24) through (26) of this rule, or using an FAA-approved equivalent procedure. Any procedure not approved by the FAA before a test is performed is subject to disapproval and may require the aircraft to be retested using an approved procedure.

(4) *Noise Limits* (Reference § 36.805, as modified): Compliance with the noise limits prescribed in paragraphs (28) and (29) of this rule must be shown for this aircraft for which application for issuance of a type certificate in the special class is made under part 21.

(5) *Reference Conditions—General* (Reference part 36 appendix J, section J36.1, as modified): Paragraphs (6) through (29) of this rule prescribe the noise certification requirements for this aircraft including:

(a) The conditions under which each noise certification test must be conducted and the measurement procedure that must be used to measure the aircraft noise during the test;

(b) The procedures that must be used to correct the measured data to the reference conditions, and to calculate the noise evaluation quantity designated as the A-weighted Sound Exposure Level (SEL, denoted by symbol L_{AE}); and

(c) The noise limit with which compliance must be shown.

(6) *Reference Conditions—Test* (Reference part 36 appendix J, section J36.3, as modified):

(a) Meteorological Conditions—The following are the noise certification reference atmospheric conditions that are assumed to exist from the surface to the aircraft altitude:

i. Sea level pressure of 2,116 pounds per square foot (76 centimeters of mercury);

ii. Ambient temperature of 77 degrees Fahrenheit (25 degrees Celsius);

iii. Relative humidity of 70 percent; and

iv. Zero wind.

(b) Reference test site. The reference test site is flat and without line-of-sight obstructions, including any area across the flight path that is long enough to encompass the 10 dB down points of the A-weighted time history.

(c) Level flyover reference profile. For UA, the reference flyover profile is a level flight, 250 feet (76.2 meters) above ground level as measured at the noise measuring station. The reference flyover profile has a linear flight track and passes directly over the noise monitoring station. The applicable reference airspeed is stabilized and maintained throughout the measured portion of the flyover. Rotor speed is normal operating RPM throughout the 10 dB-down time interval. For UA, applicable reference airspeeds are:

i. $V_{max} \sim 0.9V_{NE,}$ where V_{NE} is the never-exceed airspeed (at empty weight).

ii. $V_{cruise} \sim V_{H,}$ where V_H is the maximum performance airspeed (at maximum certificated takeoff weight (MTOW)),

(d) Two series of flyover tests are required. Each series must be flown at the weight and applicable reference speed conditions as follows:

i. MTOW (inclusive of payload) and V_{cruise}; and

ii. Empty weight (no payload) and V_{max}.

(7) *Noise Measurement Procedures—General* (Reference part 36, appendix J, section J36.101(a) as modified): Paragraphs (8) through (10) of this rule prescribe the conditions under which the aircraft noise certification tests must be conducted, and the measurement procedures that must be used to measure the aircraft noise during each test.

(8) *Test site requirements* (Reference: Part 36, appendix J, section J36.101(b), as modified):

(a) The noise measuring station must be surrounded by terrain having no

excessive sound absorption characteristics, such as might be caused by thick, matted, or tall grass, shrubs, wooded areas, or loose soil. Grass is acceptable if mowed to 3 inches or less in a 25 foot radius around any sound measuring stations.

(b) During the period when the flyover noise measurement is within 10 dB of the maximum A-weighted sound level, no obstruction that significantly influences the sound field from the aircraft may exist within a conical space above the noise measuring position (the point on the ground vertically below the microphone). The cone is defined by an axis normal to the ground and by half-angle 80 degrees from this axis.

(9) *Weather restrictions* (Reference: Part 36, appendix J, section J36.101(c) as modified): Each test must be conducted under the following atmospheric conditions:

(a) No rain or other precipitation.

(b) Ambient air temperature between 36 degrees and 95 degrees Fahrenheit (2 degrees and 35 degrees Celsius), inclusively, and relative humidity between 20 percent and 95 percent inclusively, except that testing may not take place where combinations of temperature and relative humidity result in a rate of atmospheric attenuation greater than 10 dB per 100 meters (30.5 dB per 1,000 feet) in the one-third octave band centered at 8 kiloHertz.

(c) Wind velocity that does not exceed 10 knots (19 km/h) and a crosswind component that does not exceed 5 knots (9 km/h). The wind must be determined using a continuous averaging process of no greater than 30 seconds.

(d) Measurements of ambient temperature, relative humidity, wind speed, and wind direction must be made between 4 feet (1.2 meters) and 33 feet (10 meters) above the ground. Unless otherwise approved by the FAA, ambient temperature and relative humidity must be measured at the same height above the ground.

(e) No anomalous wind conditions (including turbulence) or other anomalous meteorological conditions that could significantly affect the noise level of the aircraft when the noise is recorded at the noise measuring station.

(f) If the measurement site is within 6,560 feet (2,000 meters) of a fixed meteorological station (such as those found at airports or other facilities), the weather measurements reported at that station may be used for temperature, relative humidity and wind velocity, when approved by the FAA before the test is conducted. The use of measurements reported at a fixed meteorological station, if not approved by the FAA before a test is performed, may cause the test to be disapproved and require that the aircraft be retested.

(10) *Aircraft test procedures* (Reference part 36, appendix J, section J36.101(d), as modified):

(a) The aircraft test procedures and noise measurements must be conducted and processed in a manner that yields the noise evaluation measure designated $L_{AE,}$ as defined in paragraph (17) of this rule.

(b) The aircraft height relative to the noise measurement point sufficient to make corrections required in paragraph (26) of this rule must be determined by an FAA-approved method that is independent of normal flight instrumentation, such as a Differential Global Positioning System (DGPS), or photographic scaling techniques. The aircraft position in three dimensions relative to the microphone must be monitored and recorded at all times during the test and data collection, with correlation via time synchronization to the acoustic noise data collection. The accuracy of the aircraft location system, and all sources of inaccuracy, along with possible error introduction when correlating to measured and recorded noise (inaccuracies of timing devices and methods), must be determined and reported. A description of the aircraft location system and its accuracy must be included as part of the noise test plan required by paragraph (31) of this rule, and approved by the FAA before use.

(c) If an applicant demonstrates that the design characteristics of the aircraft would prevent flight from being conducted in accordance with the reference test conditions prescribed in paragraph (6) of this rule, then the applicant may request a variance in reference test conditions to be used. Any variance from standard reference test conditions is limited to that required for the subject aircraft design characteristics that make compliance with the reference test conditions impossible.

(11) *Flyover Test Conditions* (Reference part 36, appendix J, section J36.105(a), as modified): Paragraphs (12) through (15) of this rule prescribe the flight test conditions and allowable random deviations for flyover noise tests conducted to demonstrate compliance with this rule.

(12) *Level flight height and lateral path tolerances* (Reference part 36, appendix J, section J36.105(b), as modified): A test series must consist of at least six flights. The number of level flights made with a headwind component must be equal to the number of level flights made with a tailwind component over the noise measurement station:

(a) In level flight and in cruise configuration;

(b) At the test height above the ground level over the noise measuring station as defined in paragraph (6) of this rule. For the selected height, the vertical tolerance of this height should be ±10% value; and

(c) Within ±10 degrees from the zenith.

(13) *Airspeed and Controls* (Reference part 36, appendix J, section J36.105(c), as modified): Each flyover noise test flight must be conducted:

(a) At the reference airspeed specified in paragraph (6)(c) of this rule; and

(b) With the flight controls stabilized during the period when the measured aircraft noise level is within 10 dB of the maximum A-weighted sound level (L_{Amax}).

(14) *Aircraft weight* (Reference part 36, appendix J, section J36.105(d), as modified): For the weight at which noise certification is requested, the aircraft test weight for each flyover test series must be specified for:

(a) MTOW (inclusive of payload); and

(b) Empty weight (no payload).

(15) *Flyover height adjustment* (Reference part 36, appendix J, section J36.105(e), as modified): If ambient noise at the measurement station, measured in accordance with paragraphs (17) through (21) of this rule, is found to be within 15 A-weighted decibels (dB(A)) of the A-weighted aircraft noise level (L_{Amax}), measured at the same location, the applicant may request the FAA approve an alternate flyover height. If an alternate flyover height is approved, the results must be adjusted to the reference flyover height specified in paragraph (6)(c) of this rule using an FAA-approved method.

(16) *Supplemental hover test conditions*—This is a supplemental test to collect data for assessment of community noise impacts, and to inform later general noise and test standards for UA. This supplemental test does not require compliance with a noise limit and does not affect the noise certification findings for the subject aircraft.

The aircraft is required to hover at different spatial locations relative to the microphone in accordance with subparagraphs (a) through (f) of this paragraph.

(a) The aircraft must be at MTOW, inclusive of maximum payload weight of cargo.

(b) To ensure that the widest dimensional profile of the noise source is captured in the recordings, for each aircraft attitude heading (0, 90, 180 and

270 degrees) relative to the microphone position for hover conditions described in paragraphs (16)(c) and (d) of this rule, stabilize the aircraft in hover and record the sound in accordance with paragraph (16)(f) of this rule.

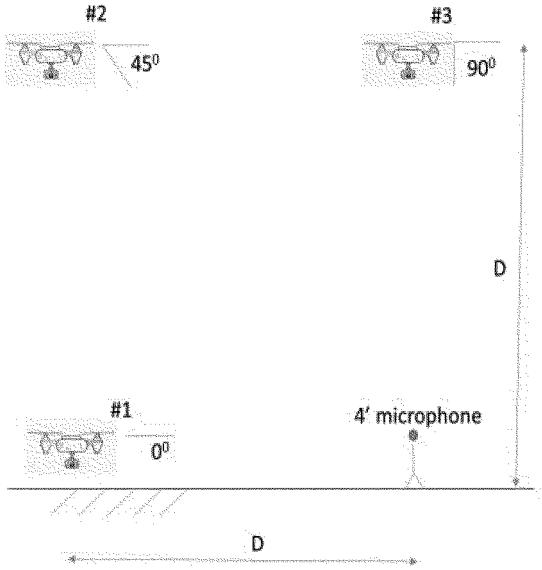
(c) Hover condition #1 (sound elevation angle at zero degrees): The aircraft maintains a hover condition at a lateral distance of 20 feet to the microphone and at 4 feet AGL (rotors in the same plane as the microphone). Test when the conditions are optimal for minimal influence of wind on the noise recording.

(d) Hover condition #2 (sound elevation angle at 45 degrees): The aircraft maintains a hover condition at a lateral distance of 20 feet to the microphone position and at 20 feet AGL. Test when the conditions are optimal for minimal influence of wind on the noise recording.

(e) Hover condition #3 (overhead, or sound elevation angle at 90 degrees): The aircraft maintains a hover condition at 20 feet AGL and hold centered within a one foot radial over the microphone location.

(f) For the noise measurements at each hover condition, record the value of the equivalent sound level (Leq) and SPL in ⅓ octave bands for a minimum of 30 seconds for each of the test conditions (paragraphs 16(c) through (e) of this rule).

(g) The tolerance of the hover height or lateral distance is within ±1 ft., and the tolerance of the headings is within ±5 degrees.



Sketch of supplemental hover test conditions. D = 20 feet.

(17) *Measurement of aircraft noise received on the ground*—General (Reference: Part 36, appendix J, section J36.109(a), as modified): Aircraft noise measurements made for the purpose of noise certification in accordance with the requirements of this regulation must be obtained using:

(a) The noise evaluation metric prescribed in paragraph (18) of this rule;

(b) Acoustic equipment that meets the specifications prescribed in paragraphs (19) and (20) of this rule; and

(c) The calibration and measurement procedures prescribed in paragraphs (21) and (22) of this rule.

(18) *Measurement of aircraft noise received on the ground*—Noise unit definition (Reference part 36, appendix J, section J36.109(b), as modified):

(a) The sound exposure level, as expressed in $L_{AE,}$ is defined as the level, in decibels, of the time integral of squared 'A'-weighted sound pressure (P_A) over a given time period or event, with reference to the square of the standard reference sound pressure (P_0) of 20 micropascals and a reference duration of one second.

(b) The sound exposure level in units of decibels (dB) is defined by the expression:

$$L_{AE} = 10 \log_{10} \frac{1}{T_0} \int_{t_1}^{t_2} \left(\frac{P_A(t)}{P_0} \right)^2 dt \ \text{(dB)}$$

Where T_0 is the reference integration time of one second and (t_2–t_1) is the integration time interval.

(c) The integral equation of paragraph (18)(b) can also be expressed as:

$$L_{AE} = 10\ \log_{10}\frac{1}{T_0}\int_{t_1}^{t_2} 10^{0.1L_A(t)}dt\ \ (\text{dB})$$

Where $L_A(t)$ is the time varying A-weighted sound level.

(d) The integration time (t_2–t_1) in practice must not be less than the time interval during which $L_A(t)$ first rises to within 10 dB(A) of its maximum value (L_{Amax}) and last falls below 10 dB(A) of its maximum value.

(19) *Measurement of Aircraft Noise Received on the Ground*—Measurement System (Reference part 36, appendix J, section J36.109(c), as modified):

(a) Acoustical measurement system instrumentation must be equivalent to the following and approved by the FAA:

i. A microphone system with frequency response that is compatible with the measurement and analysis system accuracy prescribed in paragraph (20) of this rule;

ii. Tripods or similar microphone mountings that minimize interference with the sound energy being measured; and

iii. Recording and reproducing equipment with characteristics, frequency response, and dynamic range that are compatible with the response and accuracy requirements of paragraph (20) of this rule.

(b) The calibration and checking of measurement systems must be accomplished in accordance with the procedures described in part 36, appendix A, section A36.3.9.

(20) *Measurement of Aircraft Noise Received on the Ground*—Sensing, recording, and reproducing equipment (Reference part 36, appendix J, section J36.109(d), as modified):

(a) The sound pressure time-history (audio) signals obtained from aircraft flyovers under this paragraph must be recorded digitally at a minimum sample rate of 44 kilohertz (kHz) for a minimum bandwidth of 20 hertz (Hz) to 20 kHz, and encoded using a minimum of 16 bit linear PCM (or equivalent) during analog to digital conversion. Digital audio recording must also meet the additional requirements specified in part 36, appendix A, section A36.3.6 ''Recording and Reproducing Systems.''

(b) The L_{AE} value from each flyover and A-weighed Leq (L_{Aeq}) values from each hover test flight condition may be determined directly from an integrating sound level meter that meets the specifications of International Electrotechnical Commission (IEC) Standard 61672–1 (2013) for a Class 1 instrument set at ''slow'' response.

(c) The acoustic signal from the aircraft, along with the calibration signals specified in paragraph (21) and the background noise signal required by paragraph (22) of this rule, must be recorded in a digital audio format as specified in paragraph (20)(a) of this rule for subsequent analysis for an integrating sound level meter identified in paragraph (20)(b) of this rule. The record/playback system must conform to the requirements prescribed in part 36, appendix A, section A36.3.6 ''Recording and Reproducing Systems''. The recorder must comply with the specifications of IEC standard 61265 2nd edition (2018).

(d) The characteristics of the complete system must meet the specifications of IEC standard 61672–1 for the microphone, amplifier, and indicating instrument characteristics.

(e) The response of the complete system to a plane, progressive wave of constant amplitude must lie within the tolerance limits specified for Class 1 instruments in IEC standard 61672–1 for weighting curve ''A'' over the frequency range of 45 Hz to 20 kHz.

(f) A windscreen must be used with the microphone during each measurement of the aircraft flyover noise. Correction for any insertion loss produced by the windscreen, as a function of the frequency of the acoustic calibration required by paragraph (21) of this rule, must be applied to the measured data, and each correction applied must be included in the test report.

(21) *Measurement of Aircraft Noise Received on the Ground*—Calibrations (Reference part 36, appendix J, section J36.109(e), as modified):

(a) For the aircraft acoustic signal recorded for subsequent analysis, the measuring system and components of the recording system must be calibrated as prescribed in Title 14 CFR, part 36, appendix A.

(b) If the aircraft acoustic signal is measured directly using an integrating sound level meter:

i. The overall sensitivity of the measuring system must be checked before and after the series of flyover tests and at intervals (not exceeding a two-hour duration) during the flyover tests using an acoustic calibrator generating a sinusoidal signal at a known sound pressure level and at a known frequency.

ii. The performance of equipment in the system is considered satisfactory if, during each day's testing, the variation in the measured value for the acoustic calibrator does not exceed 0.5 dB. The L_{AE} data collected during the flyover tests must be adjusted to account for any variation in the calibration value.

iii. A performance calibration analysis of each piece of calibration equipment, including acoustic calibrators, reference microphones, and voltage insertion devices, must have been made during the six calendar months preceding the beginning of the aircraft flyover series. Each calibration must be traceable to the National Institute of Standards and Technology.

(22) *Measurement of Aircraft Noise Received on the Ground*—Noise measurement procedures (Reference part 36, appendix J, section J36.109(f), as modified):

(a) The microphone must be of a pressure-sensitive capacitive type designed for nearly uniform grazing incidence response. The microphone must be mounted with the center of the sensing element 4 feet (1.2 meters) above the local ground surface and must be oriented for grazing incidence such that the sensing element (diaphragm) is substantially in the plane defined by the nominal flight path of the aircraft and the noise measurement station. A microphone that satisfies the requirements of this paragraph must be used when determining compliance with the noise limit prescribed in paragraph (29) of this rule.

(b) For each aircraft acoustic signal recorded for subsequent analysis, the frequency response of the electrical system must be determined at a level within 10 dB of the full-scale reading used during the test.

(c) The background noise, including both ambient acoustical sound present at the microphone site and electrical noise of the measurement systems, must be determined in the test area and the system gain set at levels which will be used for aircraft noise measurements. If aircraft sound levels do not exceed the background sound levels by at least 15 dB(A), flyovers at an FAA-approved lower height may be used; the results must be adjusted to the reference measurement point by an FAA-approved method.

(d) When an integrating sound level meter is used to measure the aircraft noise, the instrument operator must monitor the continuous A-weighted (slow response) noise levels throughout each flyover to ensure that the A-weighted sound exposure level (L_{AE}) integration process includes, at

minimum, all of the noise signal between the L_{Amax} and the 10 dB down points in the flyover time history. The instrument operator must note the actual dB(A) levels at the start and stop of the L_{AE} integration interval and document these levels along with the value of L_{Amax} and the integration interval (in seconds) for inclusion in the noise data submitted as part of the reporting requirements in paragraph (23) of this regulation.

(23) *Data Reporting—General* (Reference part 36, appendix J, section J36.111(a), as modified): Data representing physical measurements, and corrections to that measured data, including corrections to measurements for equipment response deviations, must be recorded in permanent form and appended to the test reports required by this rule. Each correction is subject to FAA approval.

(24) *Data Submission* (Reference part 36, appendix J, section J36.111(b), as modified): After the completion of all certification tests required by this rule, the following must be submitted to the FAA:

(a) A test report containing the following:

(i) Measured and corrected sound levels obtained with equipment conforming to the standards prescribed in paragraphs (17) through (22) of this rule;

(ii) A description of the equipment and systems used for measurement and analysis of all acoustic, aircraft performance and flight path, and meteorological data;

(iii) The atmospheric environmental data required to demonstrate compliance with this rule, as measured throughout the test period;

(iv) Conditions of local topography, nearby ground cover (if any), or events that may have interfered with a sound recording;

(v) The following aircraft information:

(A) Type, model, and serial numbers, if any, of aircraft, engine(s) and rotor(s) and/or propellers tested;

(B) Gross dimensions of aircraft, location of engines or motors, rotors or propellers, number of blades for each rotor or propeller, and the range of rotational speeds of the rotors;

(C) MTOW at which certification under this rule is requested;

(D) Aircraft configuration, including landing gear positions;

(E) Aircraft Airspeeds: V_{NE} and V_{max} for both empty weight and maximum payload configuration, or for maximum range, whichever is greatest, and applicable as reference and operational airspeeds;

(F) Aircraft gross weight for each test run;

(G) Indicated and true airspeed for each test run; if indicated and true airspeed for each run are not available, then ground speed as measured from a DGPS, or from an alternate method, may be approved by the FAA;

(H) Ground speed, if measured, for each run;

(I) Aircraft engine performance as determined from aircraft instruments and manufacturer's data; and

(J) Aircraft flight path above ground level, referenced to the microphone position of the noise measurement station, in feet, determined using an FAA-approved method that is independent of normal flight instrumentation, such as DGPS or photo scaling techniques at the microphone location;

(vi) Aircraft position and performance data necessary to make the adjustments prescribed in paragraph (27) of this rule and to demonstrate compliance with the performance and position restrictions prescribed in paragraphs (11) through (16) of this rule; and

(vii) The aircraft position in three dimensions and orientation (for hover) relative to the microphone must be monitored and recorded at all times during the test and data collection, with correlation via time synchronization to the acoustic noise data collection.

(b) All of the recorded audio data from all phases of all flight tests used to demonstrate compliance with this rule.

(c) All recordings and data collected during the measurement activity required by paragraph (16) of this rule. These data will not affect the outcome of this certification findings intended to demonstrate compliance with this rule and may be submitted separately from data that affects certification.

(25) *Noise Evaluation and Calculations*—Noise Evaluation Expressed in L_{AE} (Reference: Part 36, appendix J, section J36.201, as modified): The noise evaluation measure must be expressed as the L_{AE} in units of dB(A) as prescribed in paragraph (18) of this rule. The L_{AE} value for each flyover may be determined directly using an integrating sound level meter. Specifications for the integrating sound level meter and requirements governing the use of such instrumentation are prescribed in paragraphs (17) through (22) of this rule.

(26) *Noise Evaluation and Calculations—Calculation of Noise Levels* (Reference part 36, appendix J, section J36.203, as modified):

(a) To demonstrate compliance with the noise level limits specified in paragraph (29) of this rule, the L_{AE} noise levels from each valid flyover, corrected as necessary to reference conditions in accordance with paragraph (27) of this rule, must be arithmetically averaged to obtain a single L_{AE} dB(A) mean value for each flyover series. No individual flyover run may be omitted from the averaging process, unless approved by the FAA.

(b) The minimum sample size acceptable for the aircraft flyover certification measurements is six. The number of samples must be sufficient to establish statistically a 90 percent confidence limit that does not exceed ±1.5 dB(A).

(c) All data used and calculations performed under this paragraph, including the calculated 90 percent confidence limits, must be documented and provided in accordance with the data reporting and submission requirements of paragraphs (23) and (24) of this rule.

(27) *Data Correction Procedures* (Reference part 36, appendix J, section J36.205, as modified):

(a) When certification test conditions measured in accordance with paragraphs (7) through (23) of this rule differ from the reference test conditions prescribed in paragraph (6) of this rule, appropriate adjustments must be made to the measured noise data in accordance with the methods set out in paragraphs (27)(b) and (c) of this rule. At minimum, appropriate adjustments in accordance with paragraph (27)(b) of this rule must be made for off-reference altitude and for any difference between reference airspeed and adjusted reference airspeed in accordance with paragraph (27)(c) of this rule.

(b) The adjustment for off-reference altitude may be approximated from:

$$>delta< J1 = 12.5 \log_{10}(H_T/_{250}) \text{ (dB)}$$

Where >delta<J1 is the quantity in decibels that must be algebraically added to the measured L_{AE} noise level to correct for an off-reference flight path, H_T is the height, in feet, of the test aircraft when directly over the noise measurement point, and the constant (12.5) accounts for the effects on spherical spreading and duration from the off-reference altitude.

(c) The adjustment for the difference between reference airspeed and adjusted reference airspeed is calculated from:

$$>delta< J3 = 10 \log_{10}(V_{RA}/V_R) \text{ (dB)};$$

Where >delta<J3 is the quantity in decibels that must be algebraically added to the measured L_{AE} noise level to correct for the influence of airspeed on the integration duration of the measured flyover event as received at the noise measurement station; V_R is the reference airspeed as prescribed in

paragraph (6)(c) of this rule, and V_{RA} is a speed adjustment applied to the reference airspeed to allow flying at an airspeed that provides the reference tip Mach speed. The reference airspeed must be adjusted for the atmospheric conditions on site.

(d) All data used and calculations performed under this paragraph must be documented and submitted in accordance with paragraphs (22) and (23).

(28) *Noise Limit Compliance—Noise Measurement, Evaluation, and Calculation* (Reference part 36, appendix J, section J36.301, as modified): In demonstrating compliance with this rule, the aircraft noise levels must be measured, evaluated, and calculated in accordance with paragraphs (7) through (26) of this rule.

(29) *Noise Limit* (Reference part 36, appendix J, section J36.305, as modified): The calculated noise levels of the aircraft, at the measuring point described in paragraphs (7) through (10) of this rule, must be shown to not exceed 78.0 decibels L_{AE} at the reference altitude of 250 feet.

(30) *Manuals, Markings, and Placards* (Reference part 36 §§ 36.1501 and 36.1581, as modified):

(a) All procedures, weights, configurations, and information or data used to obtain the certified noise levels required to demonstrate compliance with this rule, including equivalent procedures used for flight, testing, and analysis, must be approved by the FAA.

(b) Noise levels achieved during type certification must be included in the approved portion of each Unmanned Aircraft Flight Manual for the subject aircraft. If an Unmanned Aircraft Flight Manual is not approved, the procedures and information must be furnished in a combination of manual material, markings, and placards approved by the FAA. The noise level information that must be included is as follows:

i. The noise level information must be one value for flyover as defined and required by these specifications; the value is determined at the maximum reference speed, weight and configuration in accordance with paragraph (6)(c) of this rule. The noise level value must also indicate the series from which it was determined.

ii. If supplemental operational noise level information is included in the approved portion of the Unmanned Aircraft Flight Manual, it must be segregated, identified as information that is provided in addition to the certificated noise levels, and clearly distinguished from the information required by paragraph (30)(b)(i) of this rule.

iii. The following statement must be included in each approved manual near the listed noise level:

No determination has been made by the Federal Aviation Administration that the noise levels of this aircraft are or should be acceptable or unacceptable for operation at, into, or out of any location or environment that may be affected by operational noise.

(31) *Test Plan Preparation and Approval:* Prior to conducting any testing and data collection required by this rule, the applicant must prepare a test plan and obtain approval of it from the FAA's Aircraft Certification Service, Policy & Innovation Division (P&I) (or another FAA employee designated by the P&I Division).

(32) *Test Witnessing:* The FAA P&I (or another FAA employee designated by the P&I Division) must witness the test and data collection required by this rule for the results to be valid for certification. Other acoustic focals from FAA's Aircraft Certification Office and Acoustic Engineer(s) from the Office of Environment and Energy or Volpe National Transportation Systems Center may also be present to observe the tests.

(33) *Test Report Preparation and Approval:* The applicant must prepare a report that includes all of the findings and data required under this rule. The report must be approved by the FAA P&I Division (or another FAA employee designated by the P&I Division) as a part of the aircraft certification record.

Issued in Washington, DC.

Kevin Welsh,

Executive Director, Office of Environment and Energy.

[FR Doc. 2021–17769 Filed 8–26–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Action on a Proposed Highway Project in Wisconsin

AGENCY: Federal Highway Administration (FHWA), Department of Transportation (DOT).

ACTION: Notice of limitation on claims for judicial review of actions.

SUMMARY: The FHWA is issuing this notice to announce actions taken that are final Federal agency actions. The final agency actions relate to a proposed highway project, along United States Highway (US) 51 in Dane County, Wisconsin between Interstate 39/90 east of the city of Stoughton and US 12/18 in the city of Madison. Those actions grant approvals for the project.

DATES: By this notice, the FHWA is advising the public of final agency actions subject to 23 U.S.C. 139(l)(1). A claim seeking judicial review of the Federal agency actions on the highway project will be barred unless the claim is filed on or before January 24, 2022. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such a claim, then that shorter time period still applies.

FOR FURTHER INFORMATION CONTACT: For FHWA, Bethaney Bacher-Gresock, Environmental Program and Project Specialist, FHWA Wisconsin Division Office, City Center West, 525 Junction Road, Suite 8000, Madison, WI 53717; email *bethaney.bacher-gresock@dot.gov;* telephone: (608) 662–2119. For Wisconsin Department of Transportation (WisDOT), Jeff Berens, WisDOT Project Manager, WisDOT SW-Region, Madison Office, 2101 Wright Street, Madison WI, 53704; email *jeff.berens@dot.wi.gov;* telephone: (608) 245–2656.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the WisDOT, proposes roadway improvements to US 51 on existing alignment in Dane County, Wisconsin between Interstate 39/90, east of the city of Stoughton, and US 12/18 in Madison.

The proposed improvement would include:

1. Reconstruction of 2-lane US 51 east of Stoughton.
2. Reconstruction of US 51 through Stoughton.
3. Urban 4-lane reconstruction and capacity expansion along the west side of Stoughton.
4. Reconstruction of rural 2-lane US 51 (Stoughton to McFarland) with intersection improvements.
5. Urban 4-lane reconstruction in McFarland.
6. Pavement replacement between Larson Beach Road and Terminal Drive/Voges Road in McFarland.

The actions by the Federal agencies, and the laws under which such actions were taken, are described in the Environmental Assessment (EA)/Finding of No Significant Impact (FONSI) for the project, approved on August 17, 2021 and in other documents in the FHWA project records. The EA, FONSI and other project records are available by contacting WisDOT or FHWA at the addresses provided in the ''For Further Information Contact'' section of this notice. The EA/FONSI may be viewed and downloaded from the project website at *https://*

wisconsindot.gov/Pages/projects/by-region/sw/5139901218/reports.aspx.

This notice applies to all Federal agency decisions as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

1. National Environmental Policy Act (NEPA) [42 U.S.C. 4321–4351]; Federal-Aid Highway Act [23 U.S.C. 109 and 23 U.S.C. 128].

2. Section 7 of the Endangered Species Act of 1973 (ESA) [16 U.S.C. 1531–1544 and Section 1536].

3. National Historic Preservation Act of 1966, as amended (16 U.S.C. 470(f) *et seq.*)

4. Clean Air Act [42 U.S.C. 7401–7671 (q)].

5. Clean Water Act [Section 404, Section 401, Section 319].

6. Section 4(f) of the Department of Transportation Act of 1966 [49 U.S.C. 303].

7. Uniform Relocation Assistance and Real Property Acquisition Act of 1970, as amended.

8. Migratory Bird Treaty Act (MBTA) of 1918, as amended.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Authority: 23 U.S.C. 139(*l*)(1).

Issued on: August 24, 2021.

Glenn Fulkerson,

Division Administrator, Federal Highway Administration, Madison, Wisconsin.

[FR Doc. 2021–18522 Filed 8–26–21; 8:45 am]

BILLING CODE 4910–RY–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2021–0143]

Agency Information Collection Request Concerning Certain Motor Carrier Activities When Responding to Emergency Declarations Under OMB Review

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of request for emergency OMB approval.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the new Information Collection Request (ICR) discussed below has been forwarded to the Office of Management and Budget (OMB) for review and an emergency approval of a new information collection. FMCSA would collect this information from motor carriers engaged in providing direct assistance in response to certain emergency declarations issued by the Agency to provide regulatory relief for such carriers in continued support of the Nation's coronavirus disease 2019 (COVID–19) recovery efforts. The ICR describes the nature of the information collection and their expected paperwork burdens. FMCSA requests that OMB approve this collection within 7 days.

DATES: Comments must be submitted on or before August 30, 2021.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent by August 30, 2021, to *www.reginfo.gov/public/do/PRAMain.* All comments received are part of the public record. Comments will generally be posted without change. Upon receiving the requested 6-month emergency approval by OMB, FMCSA will follow the normal PRA procedures to obtain extended approval for this proposed information collection.

FOR FURTHER INFORMATION CONTACT: Larry W. Minor, Associate Administrator, Office of Policy, Department of Transportation, Federal Motor Carrier Safety Administration, 6th Floor, West Building, 1200 New Jersey Avenue SE, Washington, DC 20590–0001; 202–366–4012; *larry.minor@dot.gov.* Office hours are from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

SUPPLEMENTARY INFORMATION:

Title: Acknowledgement of use of COVID–19 Emergency Declaration Relief.

OMB Control Number: 2126–TBD.

Type of Request: Request for emergency approval of an information collection.

Respondents: Motor carriers that operate under the terms of the extended COVID–19 Emergency Declaration No. 2020–002.

Estimated Total Respondents: 203,894.

Estimated Total Responses: 1,223,364 for 6 months.

Estimated Burden Hours: 305,841 for 6 months.

Estimated Burden per Response: 15 minutes per response.

Frequency: Monthly for 6 months.

Background

FMCSA issued Emergency Declaration No. 2020–002 in response to the March 13, 2020, declaration of a national emergency under 42 U.S.C. 5191(b) related to COVID–19, and the immediate risk COVID–19 presents to public health and welfare. FMCSA modified Emergency Declaration 2020–002 to expand and remove categories of supplies, equipment, and persons covered by the Emergency Declaration to respond to changing needs for emergency relief. On May 26, 2021, FMCSA extended the modified Emergency Declaration No. 2020–002 and associated regulatory relief through August 31, 2021, in accordance with 49 CFR 390.25. FMCSA continued the exemption and associated regulatory relief in accordance with 49 CFR 390.25, because the presidentially declared emergency remained in place and because a continued exemption was needed to support direct emergency assistance for some supply chains. This extension of the expanded modified Emergency Declaration addresses conditions that create a need for immediate transportation of essential supplies and provides necessary relief from the Federal Motor Carrier Safety Regulations (FMCSRs) for motor carriers and drivers.

In accordance with the expanded modified Emergency Declaration No. 2020–002, motor carriers and drivers providing direct assistance in support of relief efforts related to the COVID–19 public health emergency are granted emergency relief from certain portions of 49 CFR parts 390 through 399 of the FMCSRs, except as restricted in the Emergency Declaration. Direct assistance means transportation and other relief services provided by a motor carrier or its driver(s) incident to the immediate restoration of essential services (such as medical care) or essential supplies related to COVID–19 during the emergency. The notice extending the declaration provides a list of relief services and essential supplies.

Neither the Emergency Declaration nor the regulations covering Emergency Declarations (found in 49 CFR 390.23 and 390.25) require that motor carriers or drivers operating under the Emergency Declaration report their operation to FMCSA. As a result, FMCSA does not know how many motor carriers or drivers are relying on the Emergency Declaration. Given the unprecedented period that the expanded modified Emergency Declaration No. 2020–0022 has now been in place, FMCSA has determined that it is necessary to seek information on the number of motor carriers and drivers relying upon Emergency Declaration No. 2020–002, and any subsequent extension currently in effect, to evaluate the need for future

extensions or modifications if that Agency determines that additional extensions are needed.

Public Comments Invited

You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for FMCSA to perform its functions; (2) the accuracy of the estimated burden; (3) ways for FMCSA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized without reducing the quality of the collected information.

Issued under the authority delegated in 49 CFR 1.87.

Thomas P. Keane,

Associate Administrator, Office of Research and Registration.

[FR Doc. 2021–18442 Filed 8–26–21; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2018–0100]

Petition for Extension of Waiver of Compliance

Under part 211 of title 49 Code of Federal Regulations (CFR), this document provides the public notice that on July 27, 2021, Norfolk Southern Corporation (NS) petitioned the Federal Railroad Administration (FRA) for an amendment of a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR part 232, Brake System Safety Standards for Freight and Other Non-Passenger Trains and Equipment; End-of-Train Devices. The relevant FRA Docket Number is FRA–2018–0100.

Specifically, NS requests to amend an existing waiver from the requirements of 49 CFR 232.203, *Training requirements,* to allow electronic air brake test refresher training via customized simulation software in place of hands-on training. The current waiver applies to conductors and supervisors and is limited to an 18-month pilot program for freight car repair personnel reporting for duty at Birmingham, Alabama; Elkhart, Indiana; Enola, Pennsylvania; Kansas City, Missouri; Macon, Georgia; Norfolk, Virginia; and Portsmouth, Ohio.

As the pilot period has concluded, NS requests to amend the waiver to allow electronic air brake test training as an optional replacement for hands-on training for refresher training of freight car repair personnel on the entire NS system. In support of its request, NS states that (1) all personnel intended for inclusion have already received electronic training; (2) feedback from electronically-trained personnel has been positive; (3) delivering training electronically achieves safety benefits; and (4) NS has improved the training since the original pilot waiver was granted.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov*.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment and a public hearing, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted at *http://www.regulations.gov*. Follow the online instructions for submitting comments.

Communications received by October 12, 2021 will be considered by FRA before final action is taken. Comments received after that date will be considered if practicable. Anyone can search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). Under 5 U.S.C. 553(c), the U.S. Department of Transportation (DOT) solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *https://www.transportation.gov/privacy*. See also *https://www.regulations.gov/privacy-notice* for the privacy notice of *regulations.gov*.

Issued in Washington, DC.

John Karl Alexy,

Associate Administrator for Railroad Safety, Chief Safety Officer.

[FR Doc. 2021–18509 Filed 8–26–21; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2018–0049]

Petition for Extension of Waiver of Compliance

Under part 211 of title 49 Code of Federal Regulations (CFR), this document provides the public notice that on August 18, 2021, BNSF Railway (BNSF) petitioned the Federal Railroad Administration (FRA) for an expansion of a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR part 232, Brake System Safety Standards for Freight and Other Non-Passenger Trains and Equipment; End-Of-Train Devices. The relevant FRA Docket Number is FRA–2018–0049.

The existing waiver provides BNSF certain relief from 49 CFR 232.15, *Movement of defective equipment;* 49 CFR 232.103(f), *General requirements for all train brake systems;* and 49 CFR 232.213, *Extended haul trains;* and a statutory exemption from the requirements of title 49, United States Code section 20303. BNSF renews its request to expand the scope of the waiver to include coal trains operating over the Pikes Peak Subdivision in Colorado and across the Sand Hills Subdivision in Nebraska.[1]

On April 12, 2019, FRA granted BNSF a test waiver to conduct a pilot program on a segment of its system to ''demonstrate that the use of wheel temperature detectors to prove brake health effectiveness (BHE) will improve safety, reduce risks to employees, and provide cost savings to the industry.''

BNSF asserts the expansion would improve train braking performance and safety by reducing brake pipe air losses on all BNSF coal trains (particularly important during winter operations), and accomplish the following goals:

- Validation of braking performance of BNSF coal trains moving south through Colorado and east through Alliance, Nebraska;
- Improvement of the braking performance of individual cars identified with cold or hot wheels;
- Increased testing of car brake systems with Automatic Single Car Test (ASCT) devices;

[1] BNSF initially requested expansion of the waiver on March 18, 2021. See *https://www.regulations.gov/document/FRA-2018-0049-0018*. Public notice of the request was issued on April 5, 2021. See *https://www.regulations.gov/document/FRA-2018-0049-0021*. By letter dated May 5, 2021, BNSF requested an initial 30-day hold on processing the petition. See *https://www.regulations.gov/document/FRA-2018-0049-0022*.

• Increased removal of poor performing brake valves and brake system components identified by the ASCT; and

• Generation of additional important data on air brake valve performance in a cold weather environment to supplement the program started with Northern grain trains.

BNSF proposes that the processes and parameters would follow all conditions of the Southern Transcon intermodal BHE Program but differ in that the trains operate as ''cycle trains'' and stay intact in unit train operations, similar to the Northern Transcon grain trains.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov*.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment and a public hearing, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

• *Website: http://www.regulations.gov*. Follow the online instructions for submitting comments.

• *Fax:* 202–493–2251.

• *Mail:* Docket Operations Facility, U.S. Department of Transportation (DOT), 1200 New Jersey Ave. SE, W12–140, Washington, DC 20590.

Communications received by October 12, 2021 will be considered by FRA before final action is taken. Comments received after that date will be considered if practicable. Anyone can search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). Under 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *https://www.transportation.gov/privacy*. See also *https://www.regulations.gov/privacy-notice* for the privacy notice of *regulations.gov*.

Issued in Washington, DC.

John Karl Alexy,

Associate Administrator for Railroad Safety, Chief Safety Officer.

[FR Doc. 2021–18510 Filed 8–26–21; 8:45 am]

BILLING CODE 4910–06–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 26, 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. 2021–18473 Filed 8–26–21; 8:45 am]

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