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DEFENSE NUCLEAR FACILITIES SAFETY BOARD

10 CFR Part 1704

[Docket No. DNFSB–2021–0001]

Government in the Sunshine Act

AGENCY: Defense Nuclear Facilities Safety Board.

ACTION: Direct final rule.

SUMMARY: The William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (NDAA) amended the Atomic Energy Act of 1954 (AEA) to grant the Defense Nuclear Facilities Safety Board (Board or DNFSB) relief from certain limitations under the Government in the Sunshine Act (Sunshine Act). The Sunshine Act generally requires all Board meetings to be open to public observation unless certain exemptions apply. The NDAA added a provision to the AEA that permits the Board to hold nonpublic collaborative discussions without following the requirements of the Sunshine Act, so long as certain requirements are met. The Board is publishing this direct final rule to revise the Board's Sunshine Act regulations consistent with the new AEA provisions for nonpublic collaborative discussions.

DATES: This final rule is effective November 29, 2021 unless significant adverse comments are received by September 29, 2021. If the direct final rule is withdrawn as a result of such comments, timely notice of the withdrawal will be published in the **Federal Register**.

ADDRESSES: You may submit comments at any time prior to the comment deadline by the following methods:

- *Email:* Send an email to *comment@dnfsb.gov.* Please include ''Sunshine Act Comments'' in the subject line of your email.
- *Mail:* Send hard copy comments to The Defense Nuclear Facilities Safety Board, Attn: Office of the General Counsel, 625 Indiana Avenue NW, Suite 700, Washington, DC 20004–2901.

FOR FURTHER INFORMATION CONTACT: Eric Fox, Associate General Counsel, Defense Nuclear Facilities Safety Board, 625 Indiana Avenue NW, Suite 700, Washington, DC 20004–2901, (202) 694–7000.

SUPPLEMENTARY INFORMATION:

I. Background

The NDAA became law on January 1, 2021. The NDAA contained an amendment to the AEA that granted the Board relief from certain requirements of the Sunshine Act. Under the revised section 313 of the AEA (42 U.S.C. 2286b(k)), a quorum of the Board may hold meetings to deliberate on official agency business without public observation so long as it conducts the meeting in compliance with the following requirements: (1) No formal or informal vote may be taken at the meeting; (2) each individual present at the meeting must be a member or an employee of the Board; (3) at least one member from each political party represented on the Board must be present; and (4) the Board's General Counsel or his or her designee must be present.

In addition to the requirements governing the conduct of the meeting, the AEA requires the Board to publish a summary of the matters discussed, including key issues, no later than two business days following the meeting. In circumstances where the matters discussed are covered by the exemptions to the open meetings requirements of the Sunshine Act, the Board must publish as much general information as possible without disclosing the exempt material. Unlike closed meetings held under the Sunshine Act, no transcript or advanced public notice is required.

II. Section-by-Section Analysis

Section 1704.11 Nonpublic Collaborative Discussions

This new section contains the requirements for the conduct of nonpublic collaborative discussions as well as disclosure after they are held. These requirements are simply restating the language of the AEA, and do not expand or diminish the Board's obligations when holding a nonpublic collaborative discussion.

III. Regulatory Analysis

Regulatory Flexibility Act

Under the Regulatory Flexibility Act, 5 U.S.C. 601–612, agencies must consider the impact of their rulemakings on ''small entities'' (small businesses, small organizations, and local governments) when publishing regulations subject to the notice and comment requirements of the Administrative Procedure Act. As noted in section IV Rulemaking Procedure below, the Board has determined that notice and the opportunity to comment are unnecessary because this rulemaking constitutes a limited, routine change to implement the recent amendment to the AEA. Therefore, no analysis is required by the Regulatory Flexibility Act.

Unfunded Mandates Reform Act of 1995

This rule will not result in the expenditure by State, local, and tribal governments, in aggregate, or by the private sector, of $100,000,000 or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions are deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Small Business Regulatory Enforcement Fairness Act of 1996

This rule is not a major rule as defined by section 251 of the Small Business Regulatory Enforcement Fairness Act of 1996, as amended, 5 U.S.C. 804. This rule will not result in an annual effect on the economy of $100,000,000 or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

Paperwork Reduction Act

The Paperwork Reduction Act (PRA) establishes certain requirements when an agency conducts or sponsors a ''collection of information.'' 44 U.S.C. 3501–3520. This update to the Board's Sunshine Act regulations does not require or request information from members of the public. Therefore, this rulemaking is not covered by the restrictions of the PRA.

Executive Order 12988 and Executive Order 13132—Federalism

According to Executive Orders 12988 and 13132, agencies must state in clear language the preemptive effect, if any, of new regulations. The amendments to the agency's Sunshine Act implementing regulations affect only how the Board conducts nonpublic meetings, and therefore, have no effect on preemption of State, tribal, or local government laws or otherwise have federalism implications.

Congressional Review Act

This rule will not result in and is not likely to result in (A) an annual effect on the economy of $100,000,000 or more; (B) a major increase in costs or prices for consumers, individual industries, Federal, State, or 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. As such, the Office of Management and Budget has not found it to be a major rule as defined in the Congressional Review Act. To comply with the Congressional Review Act, the Board will submit the required information each House of the Congress and the Comptroller General.

Finding of No Significant Environmental Impact

The proposed regulations amend the Board procedures for holding meetings pursuant to the Government in the Sunshine Act. The procedural changes to the Sunshine Act implementing regulations will not result in significant impacts affecting the quality of the human environment, unavoidable adverse environmental effects, rejection of reasonable alternatives to the proposed action, or irreversible or irretrievable commitments of environmental resources. The agency has not consulted with any other agencies in making this determination.

IV. Rulemaking Procedure

In light of the amendments made to the AEA at 42 U.S.C. 2286b(k), this rulemaking makes limited conforming changes to the Board's rules implementing the Sunshine Act (10 CFR part 1704). The Board is using the ''direct final rule'' procedure because this rulemaking represents a limited, routine change to implement the new provisions of the AEA. This amendment will become effective on November 29, 2021. However, if the Board receives a significant adverse comment by September 29, 2021, then the Board will publish a notice in the **Federal Register** withdrawing this rule and publishing the changes as a notice of proposed rulemaking. The Board will respond to the significant adverse comment(s) in that notice of proposed rulemaking and take an additional 30 days of comments before publishing any final rule. If no significant adverse comment is received, the Board will publish a notice that confirms the effective date of this direct final rule.

A significant adverse comment is a comment where the commenter explains why the rule would be inappropriate, including challenges to the rule's underlying premise or approach, or would be ineffective or unacceptable without a change. A comment is adverse and significant if:

(1) The comment opposes the rule and provides a reason sufficient to require a substantive response in a notice-and-comment process. For example, a substantive response is required when:

(a) The comment causes the Board staff to reevaluate (or reconsider) its position or conduct additional analysis;

(b) The comment raises an issue serious enough to warrant a substantive response to clarify or complete the record; or

(c) The comment raises a relevant issue that was not previously addressed or considered by the Board.

(2) The comment proposes a change or an addition to the rule, and it is apparent that the rule would be ineffective or unacceptable without incorporation of the change or addition; or

(3) The comment causes the Board to make a change (other than editorial) to the rule.

List of Subjects in 10 CFR Part 1704

Sunshine Act.

For the reasons stated in the preamble, the Defense Nuclear Facilities Safety Board amends 10 CFR part 1704 as follows:

PART 1704—RULES IMPLEMENTING THE GOVERNMENT IN THE SUNSHINE ACT

■ 1. The authority citation for part 1704 is revised to read as follows:

Authority: 5 U.S.C. 552b; 42 U.S.C. 2286, 2286b(c), (k).

■ 2. Add § 1704.11 to read as follows:

§ 1704.11 Nonpublic collaborative discussions.

(a) *In general.* Notwithstanding the other requirements of this part, a quorum of Members may hold a meeting that is not open to public observation to discuss official business of the Board if—

(1) No formal or informal vote or other official action is taken at the meeting;

(2) Each individual present at the meeting is a Member or an employee of the Board;

(3) At least one Member from each political party is present at the meeting, unless all Members are of the same political party at the time of the meeting; and

(4) The general counsel of the Board, or a designee of the general counsel, is present at the meeting.

(b) *Disclosure of nonpublic collaborative discussions.* (1) Except as provided by paragraph (b)(2) of this section, not later than two business days after the conclusion of a meeting described in subsection (a), the Board shall make available to the public, in a place easily accessible to the public—

(i) A list of the individuals present at the meeting; and

(ii) A summary of the matters, including key issues, discussed at the meeting, except for any matter the Board properly determines may be withheld from the public under § 1704.4.

(2) Information about matters withheld from the public. If the Board properly determines under paragraph (b)(1)(ii) of this section that a matter may be withheld from the public under § 1704.4, the Board shall include in the summary required by paragraph (b)(1)(ii) as much general information as possible with respect to the matter.

Dated: August 24, 2021.

Joyce Connery,

Chair.

[FR Doc. 2021–18549 Filed 8–27–21; 8:45 am]

BILLING CODE 3670–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0719; Project Identifier MCAI–2021–00858–T; Amendment 39–21709; AD 2021–18–08]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Airbus SAS Model A319–171N; Model A320–271N, –272N, and –273N

airplanes; and Model A321–271N, –272N, –271NX, and –272NX airplanes. This AD was prompted by a report indicating that during inspection of the engines, two original rods installed to maintain an interface plate between the pylon and nacelle were found damaged at both rod-eye ends. This AD requires repetitive inspections of the pylon/engine interface rods for damage, and applicable corrective actions, and limits the installation of affected parts under certain conditions, as specified in a European Union Aviation Safety Agency (EASA) AD, which is incorporated by reference. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD becomes effective September 14, 2021.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of September 14, 2021.

The FAA must receive comments on this AD by October 14, 2021.

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

- *Federal eRulemaking Portal:* Go to *https://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For material incorporated by reference (IBR) in this AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu;* internet *www.easa.europa.eu.* You may find this IBR material on the EASA website at *https://ad.easa.europa.eu.* You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available in the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0719.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0719; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written data, views, or arguments about this final rule. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2021–0719; Project Identifier MCAI–2021–00858–T'' at the beginning of your comments. The most helpful comments reference a specific portion of the final rule, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this final rule because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this AD contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this AD, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this AD. Submissions containing CBI should be sent to Sanjay Ralhan, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3223; email *Sanjay.Ralhan@faa.gov.* Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2021–0177, dated July 23, 2021 (EASA AD 2021–0177) (also referred to as the Mandatory Continuing Airworthiness Information, or the MCAI), to correct an unsafe condition for certain Airbus SAS Model A319–171N; Model A320–271N, –272N, and –273N airplanes; and Model A321–271N, –272N, –271NX, and –272NX airplanes.

This AD was prompted by a report indicating that during inspection of the engines, two original rods installed to maintain an interface plate between the pylon and nacelle were found damaged at both rod-eye ends. Investigation revealed that the rod damage was caused by the high amplitude of vibrations during take-off and climb flight phases, generated by engine-driven pump hydraulic pulsation and potential resonance effects. The FAA is issuing this AD to address damage that could lead to rupture of the rod-eye ends, which could result in fuel and hydraulic pipe chafing, consequent fuel or hydraulic leakage, and possible fire. See the MCAI for additional background information.

Related Service Information Under 1 CFR Part 51

EASA AD 2021–0177 specifies procedures for repetitive detailed inspections for damage (*e.g.,* hole damage, a crack, or an abnormal deformation) of the left- and right-hand pylon/engine interface rod ends of the rod attachment fittings, and the interface plate and upper support brackets, a measurement of the play/gap of the pylon/engine interface upper and lower rod ends, and applicable corrective actions including rod replacement. EASA AD 2021–0177 also limits the installation of affected parts if/unless inspected within the compliance time specified. This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination

These products have been approved by the aviation authority of another country and are 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 described above. The FAA is issuing this AD after determining that the unsafe condition described previously is likely to exist or develop on other products of the same type design.

Requirements of This AD

This AD requires accomplishing the actions specified in EASA AD 2021–0177 described previously, except for any differences identified as exceptions in the regulatory text of this AD.

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use some civil aviation authority (CAA) ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, EASA AD 2021–0177 is incorporated by reference in this AD. This AD requires compliance with EASA AD 2021–0177 in its entirety through that incorporation, except for any differences identified as exceptions in the regulatory text of this AD. Using common terms that are the same as the heading of a particular section in EASA AD 2021–0177 does not mean that operators need comply only with that section. For example, where the AD requirement refers to ''all required actions and compliance times,'' compliance with this AD requirement is not limited to the section titled ''Required Action(s) and Compliance Time(s)'' in EASA AD 2021–0177. Service information required by EASA AD 2021–0177 for compliance will be available at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0719 after this AD is published.

Interim Action

The FAA considers this AD interim action. If final action is later identified, the FAA might consider further rulemaking then.

FAA's Justification and Determination of the Effective Date

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

An unsafe condition exists that requires the immediate adoption of this AD without providing an opportunity for public comments prior to adoption. The FAA has found that the risk to the flying public justifies foregoing notice and comment prior to adoption of this rule because rupture of the rod-eye ends could result in fuel and hydraulic pipe chafing, consequent fuel or hydraulic leakage, and possible fire. Accordingly, notice and opportunity for prior public comment are impracticable and contrary to the public interest pursuant to 5 U.S.C. 553(b)(3)(B).

In addition, the FAA finds that good cause exists pursuant to 5 U.S.C. 553(d) for making this amendment effective in less than 30 days, for the same reasons the FAA found good cause to forego notice and comment.]

Regulatory Flexibility Act (RFA)

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

Costs of Compliance

The FAA estimates that this AD affects 204 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS *

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Up to 6 work-hours × $85 per hour = Up to $510	$0	Up to $510	Up to $104,040.

*Table does not include estimated costs for reporting

The FAA estimates that it takes about 1 work-hour per product to comply with the reporting requirement in this AD. The average labor rate is $85 per hour. Based on these figures, the FAA estimates the cost of reporting the inspection results on U.S. operators to be $17,340, or $85 per product.

ESTIMATED COSTS OF ON-CONDITION ACTIONS

Labor cost	Parts cost	Cost per product
Up to 8 work-hours × $85 per hour = Up to $680	$0	Up to $680.

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

Paperwork Reduction Act

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB Control Number. The OMB Control Number for this information collection is 2120–0056. Public reporting for this collection of information is estimated to take approximately 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. All responses to this collection of

information are mandatory. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to: Information Collection Clearance Officer, Federal Aviation Administration, 10101 Hillwood Parkway, Fort Worth, TX 76177–1524.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

(2) Will not affect intrastate aviation in Alaska.

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2021–18–08 Airbus SAS: Amendment 39–21709; Docket No. FAA–2021–0719; Project Identifier MCAI–2021–00858–T.

(a) Effective Date

This airworthiness directive (AD) is effective September 14, 2021.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus SAS Model A319–171N; Model A320–271N, –272N, and –273N airplanes; and Model A321–271N, –272N, –271NX, and –272NX airplanes; certificated in any category; as identified in European Union Aviation Safety Agency (EASA) AD 2021–0177, dated July 23, 2021 (EASA AD 2021–0177).

(d) Subject

Air Transport Association (ATA) of America Code 29, Hydraulic Power.

(e) Unsafe Condition

This AD was prompted by a report indicating that during inspection of the engines, two original rods installed to maintain an interface plate between the pylon and nacelle were found damaged at both rod-eye ends. The FAA is issuing this AD to address damage that could lead to rupture of the rod-eye ends, which could result in fuel and hydraulic pipe chafing, consequent fuel or hydraulic leakage, and possible fire.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, EASA AD 2021–0177.

(h) Exceptions and Clarifications to EASA AD 2021–0177

(1) Where EASA AD 2021–0177 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where paragraph (2) of EASA AD 2021–0177 specifies a compliance time for the initial detailed inspection for Group 2 airplanes, this AD requires initial compliance at the later of the times specified in paragraphs (h)(2)(i) and (ii) of this AD. Remaining provisions of paragraph (2) of EASA AD 2021–0177 that are not specifically referenced in this paragraph remain fully applicable and must be complied with.

(i) Before exceeding 750 total flight hours, but no earlier than 650 total flight hours, since either manufacture of the airplane or embodiment of Airbus Service Bulletin A320–29–1189, as applicable.

(ii) Within 750 flight hours after the effective date of this AD.

(3) The ''Remarks'' section of EASA AD 2021–0177 does not apply to this AD.

(i) Additional AD Provisions

The following provisions also apply to this AD:

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

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

(3) *Required for Compliance (RC*): For any service information referenced in EASA AD 2021–0177 that contains RC procedures and tests: Except as required by paragraph (i)(2) of this AD, RC procedures and tests must be done to comply with this AD; any procedures or tests that are not identified as RC are recommended. Those procedures and tests that are not identified as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the procedures and tests identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to procedures or tests identified as RC require approval of an AMOC.

(j) Related Information

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

(k) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2021–0177, dated July 23, 2021.

(ii) [Reserved]

(3) For information about EASA AD 2021–0177, contact EASA, Konrad-Adenauer-Ufer

3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu;* internet *www.easa.europa.eu.* You may find this EASA AD on the EASA website at *https://ad.easa.europa.eu.*

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

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

Issued on August 24, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–18706 Filed 8–26–21; 11:15 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2020–1147; Airspace Docket No. 20–ASO–30]

RIN 2120–AA66

Amendment of Area Navigation (RNAV) Route Q–29; Northeastern United States

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; correction.

SUMMARY: This action corrects a final rule published by the FAA in the **Federal Register** on July 26, 2021, that amends area navigation (RNAV) route Q–29 in the northeastern United States. This action is in support of the Northeast Corridor Atlantic Coast Route Project (NEC ACR) for improved efficiency of the National Airspace System (NAS) while reducing the dependency on ground based navigational systems. This action makes an administrative correction to the spelling of the final point on the legal description of RNAV route Q–29.

DATES: Effective date 0901 UTC, October 7, 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 Rules and Regulations Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC, 20591; telephone: (202) 267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 7400.11E at NARA, email: *fedreg.legal@nara.gov* or go to *https://www.archives.gov/federal-register/cfr/ibr-locations.html.*

FOR FURTHER INFORMATION CONTACT: Sean Hook, Rules and Regulations Group, Office of Policy, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION:

History

The FAA published a final rule for Docket No. FAA–2020–1147 in the **Federal Register** (86 FR 39952; July 26, 2021), amending RNAV route Q–29 in the northeastern United States. The Q-route amendment supports the strategy to transition the NAS from a ground-based navigation aid and radar-based system to a satellite-based PBN system. The final point, DUNOM, was incorrectly spelled in the legal description and this action only corrects that error.

United States area navigation routes are published in paragraph 2006 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 RNAV routes 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 service routes, and reporting points.

Correction to Final Rule

Accordingly, pursuant to the authority delegated to me, the description of RNAV route Q–29 as published in the **Federal Register** on July 26, 2021 (86 FR 39952) is corrected as follows:

Paragraph 2006 United States Area Navigation Routes.

* * * * *

Q–29 HARES, LA TO DUNOM, ME

HARES, LA	WP	(Lat. 33°00′00.00″ N, long. 091°44′00.00″ W)
BAKRE, MS	WP	(Lat. 33°53′45.85″ N, long. 090°58′04.75″ W)
MEMFS, TN	WP	(Lat. 35°00′54.62″ N, long. 089°58′58.87″ W)
OMDUE, TN	WP	(Lat. 36°07′47.32″ N, long. 088°58′11.49″ W)
SIDAE, KY	WP	(Lat. 37°20′00.00″ N, long. 087°50′00.00″ W)
CREEP, OH	FIX	(Lat. 39°55′15.28″ N, long. 084°18′31.41″ W)
KLYNE, OH	WP	(Lat. 40°41′54.46″ N, long. 083°18′44.19″ W)
DUTSH, OH	WP	(Lat. 41°08′26.35″ N, long. 082°33′12.68″ W)
WWSHR, OH	WP	(Lat. 41°20′34.09″ N, long. 082°03′05.76″ W)
DORET, OH	FIX	(Lat. 41°48′05.90″ N, long. 080°35′ 04.64″ W)
Jamestown, NY (JHW)	VOR/DME	(Lat. 42°11′18.99″ N, long. 079°07′16.70″ W)
HANKK, NY	FIX	(Lat. 42°53′41.82″ N, long. 077°09′15.21″ W)
GONZZ, NY	WP	(Lat. 43°05′22.00″ N, long. 076°41′12.00″ W)
KRAZZ, NY	WP	(Lat. 43°25′00.00″ N, long. 074°18′00.00″ W)
NIPPY, NY	FIX	(Lat. 43°41′23.08″ N, long. 073°58′06.74″ W)
CABCI, VT	WP	(Lat. 44°49′19.94″ N, long. 071°42′55.14″ W)
EBONY, ME	FIX	(Lat. 44°54′08.68″ N, long. 067°09′23.65″ W)
DUNOM, ME	WP	(Lat. 44°54′09.29″ N, long. 066°58′13.68″ W)

* * * * *

Issued in Washington, DC, on August 23, 2021.

George Gonzalez,

Acting Manager, Rules and Regulations Group.

[FR Doc. 2021–18486 Filed 8–27–21; 8:45 am]

BILLING CODE 4910–13–P

FEDERAL TRADE COMMISSION

16 CFR Part 310

RIN 3084–AA98

Telemarketing Sales Rule Fees

AGENCY: Federal Trade Commission.

ACTION: Final rule.

SUMMARY: The Federal Trade Commission (the ''Commission'') is amending its Telemarketing Sales Rule (''TSR'') by updating the fees charged to entities accessing the National Do Not Call Registry (the ''Registry'') as required by the Do-Not-Call Registry Fee Extension Act of 2007.

DATES: This final rule (the revised fees) is effective October 1, 2021.

ADDRESSES: Copies of this document are available on the internet at the Commission's website: *https://www.ftc.gov.*

FOR FURTHER INFORMATION CONTACT: Ami Joy Dziekan (202–326–2648), Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue NW, Room CC–9225, Washington, DC 20580.

SUPPLEMENTARY INFORMATION: To comply with the Do-Not-Call Registry Fee Extension Act of 2007 (15 U.S.C. 6152) (the ''Act''), the Commission is amending the TSR by updating the fees entities are charged for accessing the Registry as follows: The revised rule increases the annual fee for access to the Registry for each area code of data from $66 to $69 per area code; and increases the maximum amount that will be charged to any single entity for accessing area codes of data from $18,044 to $19,017. Entities may add area codes during the second six months of their annual subscription period, and the fee for those additional area codes increases to $35 from $33.

These increases are in accordance with the Act, which specifies that beginning after fiscal year 2009, the dollar amounts charged shall be increased by an amount equal to the amounts specified in the Act, multiplied by the percentage (if any) by which the average of the monthly consumer price index (for all urban consumers published by the Department of Labor) (''CPI'') for the most recently ended 12-month period ending on June 30 exceeds the CPI for the 12-month period ending June 30, 2008. The Act also states that any increase shall be rounded to the nearest dollar and that there shall be no increase in the dollar amounts if the change in the CPI since the last fee increase is less than one percent. For fiscal year 2009, the Act specified that the original annual fee for access to the Registry for each area code of data was $54 per area code, or $27 per area code of data during the second six months of an entity's annual subscription period, and that the maximum amount that would be charged to any single entity for accessing area codes of data would be $14,850.

The determination whether a fee change is required and the amount of the fee change involves a two-step process. First, to determine whether a fee change is required, we measure the change in the CPI from the time of the previous increase in fees. There was an increase in the fees for fiscal year 2021. Accordingly, we calculated the change in the CPI since last year, and the increase was 5.39 percent. Because this change is over the one percent threshold, the fees will change for fiscal year 2022.

Second, to determine how much the fees should increase this fiscal year, we use the calculation specified by the Act set forth above: The percentage change in the baseline CPI applied to the original fees for fiscal year 2009. The average value of the CPI for July 1, 2007, to June 30, 2008, was 211.702; the average value for July 1, 2020, to June 30, 2021, was 271.696, an increase of 28.34 percent. Applying the 28.34 percent increase to the base amount from fiscal year 2009, leads to a $69 fee for access to a single area code of data for a full year for fiscal year 2022, an increase of $3 from last year. The actual amount is $69.16, but when rounded, pursuant to the Act, $66 is the appropriate fee. The fee for accessing an additional area code for a half year increases by three dollars to $35 (rounded from $34.58). The maximum amount charged increases to $19,017 (rounded from $19,017.05).

Administrative Procedure Act; Regulatory Flexibility Act; Paperwork Reduction Act. The revisions to the Fee Rule are technical in nature and merely incorporate statutory changes to the TSR. These statutory changes have been adopted without change or interpretation, making public comment unnecessary. Therefore, the Commission has determined that the notice and comment requirements of the Administrative Procedure Act do not apply. *See* 5 U.S.C. 553(b). For this reason, the requirements of the Regulatory Flexibility Act also do not apply. *See* 5 U.S.C. 603, 604.

Pursuant to the Paperwork Reduction Act, 44 U.S.C. 3501–3521, the Office of Management and Budget (''OMB'') approved the information collection requirements in the Amended TSR and assigned the following existing OMB Control Number: 3084–0169. The amendments outlined in this Final Rule pertain only to the fee provision (§ 310.8) of the Amended TSR and will not establish or alter any record keeping, reporting, or third-party disclosure requirements elsewhere in the Amended TSR.

List of Subjects in 16 CFR Part 310

Advertising, Consumer protection, Reporting and recordkeeping requirements, Telephone, Trade practices.

Accordingly, the Federal Trade Commission amends part 310 of title 16 of the Code of Federal Regulations as follows:

PART 310—TELEMARKETING SALES RULE

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

Authority: 15 U.S.C. 6101–6108; 15 U.S.C. 6151–6155.

■ 2. In § 310.8, revise paragraphs (c) and (d) to read as follows:

§ 310.8 Fee for access to the National Do Not Call Registry.

* * * * *

(c) The annual fee, which must be paid by any person prior to obtaining access to the National Do Not Call Registry, is $69 for each area code of data accessed, up to a maximum of $19,017; *provided,* however, that there shall be no charge to any person for accessing the first five area codes of data, and *provided further,* that there shall be no charge to any person engaging in or causing others to engage in outbound telephone calls to consumers and who is accessing area codes of data in the National Do Not Call Registry if the person is permitted to access, but is not required to access, the National Do Not Call Registry under 47 CFR 64.1200, or any other Federal regulation or law. No person may participate in any arrangement to share the cost of accessing the National Do Not Call Registry, including any arrangement with any telemarketer or service provider to divide the costs to access the registry among various clients of that telemarketer or service provider.

(d) Each person who pays, either directly or through another person, the annual fee set forth in paragraph (c) of this section, each person excepted under paragraph (c) of this section from paying the annual fee, and each person excepted from paying an annual fee under § 310.4(b)(1)(iii)(B), will be provided a unique account number that will allow that person to access the registry data for the selected area codes at any time for the twelve month period beginning on the first day of the month in which the person paid the fee (''the annual period''). To obtain access to additional area codes of data during the first six months of the annual period, each person required to pay the fee under paragraph (c) of this section must first pay $69 for each additional area code of data not initially selected. To obtain access to additional area codes of data during the second six months of the annual period, each person required to pay the fee under paragraph (c) of this section must first pay $35 for each additional area code of data not initially selected. The payment of the additional fee will permit the person to access the additional area codes of data for the remainder of the annual period.

* * * * *

By direction of the Commission.

April J. Tabor,

Secretary.

[FR Doc. 2021–18263 Filed 8–27–21; 8:45 am]

BILLING CODE 6750–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket Number USCG–2021–0431]

RIN 1625–AA08

Special Local Regulation; Tampa Bay, St. Petersburg, FL

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a special local regulation for certain waters of Tampa Bay, St. Petersburg, FL. This action is necessary to provide for the safety of race participants, participant vessels, spectators, and the general public on these navigable waters near the St. Petersburg Pier during the St. Pete Powerboat Grand Prix boat race. This rule will establish an enforcement area where all persons and vessels, except those persons and vessels participating in the high speed boat race, are prohibited from entering, transiting through, anchoring in, or remaining within the regulated area without obtaining permission from the Captain of the Port St. Petersburg or a designated representative.

DATES: This rule is effective daily from 8 a.m. until 7 p.m. each day from September 3, 2021, through September 5, 2021.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2021–0431 in the search box and click ''Search.'' Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Marine Science Technician First Class Michael Shackleford, U.S. Coast Guard Sector St. Petersburg Prevention Department; telephone 813–228–2191, email *Michael.D.Shackleford@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. Immediate action is needed to protect persons and property from the potential safety hazards associated with the power boat race. The NPRM process would delay the establishment of the temporary special local regulation until after the date of the event and compromise public safety. We must establish this temporary special local regulation 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 the power boat race.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70041. The Captain of the St. Petersburg (COTP) has determined that potential hazards associated with the St. Pete Powerboat Grand Prix, St. Petersburg, FL will be a safety concern for anyone within cetain waters adjacent to St. Petersburg Pier. This rule is needed to protect personnel, vessels, and the marine environment in the navigable waters within the regulated area during the event.

IV. Discussion of the Rule

This rule establishes a temporary special local regulation daily from 8:00 a.m. until 7:00 p.m. each day from September 3, 2021, through Septenber 5, 2021. The temporary special local regulation will establish an enforcement area where designated representatives may control vessel traffic as determined by the prevailing conditions. The enforcement area will cover all navigable waters of Tampa Bay near the St. Petersburg Pier inside an area commencing at latitude 27°46′56″ N, 082°36′56″ W, thence to position 27°47′9″ N, 082°34′33″ W, thence to position 27°46′7″ N, 082°34′29″ W, thence to position 27°45′59″ N, 082°37′3″ W, thence to position 27°46′24″ N, 082°37′30″ W, thence back to the original position, 27°46′56″ N, 082°36′56″ W.

Persons and vessels may request authorization to enter, transit through, anchor in, or remain within the regulated area by contacting the COTP St. Petersburg by telephone at (727) 824–7506, or a designated representative via VHF radio on channel 16. If authorization to enter, transit through, anchor in, or remain within the regulated area is granted by the COTP St. Petersburg or a designated representative, all persons and vessels receiving such authorization must comply with the instructions of the COTP St. Petersburg or a designated representative. The Coast Guard will provide notice of the temporary special local regulation by Local Notice to Mariners, Broadcast Notice to Mariners, and/or on-scene designated representatives.

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 following reasons: (1) The special local regulation would be enforced in a small designated area off of the St. Petersburg Pier for only eleven hours on three days; (2) although persons and vessels may not enter, transit through, anchor in, or remain within the regulated area without authorization from the COTP St. Petersburg or a designated representative, they may operate in the surrounding area during the enforcement period; (3) persons and vessels may still enter, transit through, anchor in, or remain within the regulated area during the enforcement period if authorized by the COTP St. Petersburg or a designated representative; and (4) the Coast Guard will provide advance notification of the special local regulation to the local maritime community by Local Notice to Mariners and/or Broadcast Notice to Mariners.

B. Impact on Small Entities

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

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves the establishment of a temporary special local regulation related to organized marine events lasting 11 hours each day for a total of three days. It is categorically excluded from further review under paragraph L(61) 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 100

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 100 as follows:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

■ 1. The authority citation for part 100 continues to read as follows:

Authority: 46 U.S.C. 70041; 33 CFR 1.05–1.

■ 2. Add § 100.T07–0431 to read as follows:

§ 100.T07–0431 Special Local Regulations; St. Pete Powerboat Grand Prix, Tampa Bay; St. Petersburg, FL.

(a) *Location.* The following regulated area is a special local regulation: All waters of Tampa Bay contained within the following points: 27°46′56″ N, 082°36′56″ W, thence to position 27°47′9″ N, 082°34′33″ W, thence to position 27°46′7'', N, 082°34′29″ W, thence to position 27°45′59″ N, 082°37′3″ W, thence to position 27°46′24'', N, 082°37′30″ W, thence back to the original position, 27°46′56″ N, 082°36′56″ W. All coordinates are North American Datum 1983.

(b) *Definition.* The term ''designated representative'' means Coast Guard Patrol Commanders, including Coast Guard coxswains, petty officers, and other officers operating Coast Guard vessels, and Federal, state, and local officers designated by or assisting the COTP St. Petersburg in the enforcement of the regulated areas.

(c) *Regulations.* (1) All non-participant persons and vessels are prohibited from entering, transiting through, anchoring in, or remaining within the race area unless an authorized by the COTP St. Petersburg or a designated representative.

(2) Designated representatives may control vessel traffic throughout the enforcement area as determined by the prevailing conditions.

(3) Persons and vessels may request authorization to enter, transit through, anchor in, or remain within the regulated areas by contacting the COTP St. Petersburg by telephone at (727) 824–7506, or a designated representative via VHF radio on channel 16. If authorization is granted, all persons and vessels receiving such authorization must comply with the instructions of the COTP St. Petersburg or a designated representative.

(4) The Coast Guard will provide notice of the regulated area by Local Notice to Mariners and/or Broadcast Notice to Mariners.

(d) *Enforcement period.* This rule will be enforced daily from 8 a.m. until 7 p.m., on September 3, 2021 through September 5, 2021.

Dated: August 24, 2021.

Matthew A. Thompson,

Captain, U.S. Coast Guard, Captain of the Port St. Petersburg.

[FR Doc. 2021–18639 Filed 8–27–21; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2021–0670]

Safety Zones; Oregon Symphony Concert Fireworks, Willamette River, Portland, OR

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce a safety zone regulation for the Oregon Symphony Concert Fireworks in Portland, OR on the Willamette River. This action is necessary to provide for the safety of life on navigable waters during fireworks displays. During the enforcement period, entry into, transit through, mooring, or anchoring within the safety zone is prohibited unless authorized by the Captain of the Port Sector Columbia River or a designated representative.

DATES: The regulations in 33 CFR 165.1315 will be enforced for the safety zone identified in the **SUPPLEMENTARY INFORMATION** section below from 8:30 p.m. to 11 p.m. on September 4, 2021.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notice of enforcement, call or email LCDR Sean Morrison, Waterways Management Division, Marine Safety Unit Portland, Coast Guard; telephone 503–240–9319, email *D13–SMB–MSUPortlandWWM@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce a safety zone for the Oregon Symphony Concert Fireworks display found in 33 CFR 165.1315 in Portland, OR from 8:30 p.m. to 11 p.m. on September 4, 2021, on the Willamette River between Hawthorne Bridge and Marquam Bridge. The safety zone will include all navigable waters within 500 yards around the fireworks barge location of approximately 45°30′42″ N; 122°40′14″ W.

The special requirements listed in 33 CFR 165.1315 apply to the activation and enforcement of the safety zone. All vessel operators who desire to enter the safety zone must obtain permission from the Captain of the Port or their Designated Representative by contacting either the on-scene patrol craft on VHF CH 13 or CH 16 or the Coast guard Sector Columbia River Command Center via telephone at 503–861–6211. The Coast Guard may be assisted by other Federal, State, or local law enforcement agencies in enforcing of the safety zone.

In addition to this notice of enforcement in the **Federal Register**, the Coast Guard plans to provide the maritime community with extensive advanced notification of enforcement of the safety zone via the Local Notice to Mariners.

M. Scott Jackson,

Captain, U.S. Coast Guard, Captain of the Port Columbia River.

[FR Doc. 2021–18571 Filed 8–27–21; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2021–0601]

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

AGENCY: Coast Guard, DHS.

ACTION: Notification of enforcement of regulation.

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

DATES: The regulations in 33 CFR Table 165.939(d)(2) will be enforced from 8:30 a.m. through 6 p.m. from September 2, 2021, through September 6, 2021.

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

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the safety zone listed in 33 CFR 165.939 Table (d)(2) for the Cleveland National Airshow daily from 8:30 a.m. to 6 p.m. September 02, 2021, through September 06, 2021. This action is being taken to provide for the safety of life on navigable waterways during this multi-day event.

Pursuant to 33 CFR 165.23, entry into, transiting, or anchoring within the safety zone during an enforcement period is prohibited unless authorized by the Captain of the Port Buffalo or her designated representative. Those seeking permission to enter the safety zone may request permission from the

Captain of Port Buffalo via channel 16, VHF–FM. Vessels and persons granted permission to enter the safety zone shall obey the directions of the Captain of the Port Buffalo or her designated representative. While within a safety zone, all vessels shall operate at the minimum speed necessary to maintain a safe course. In addition to this notification of enforcement in the **Federal Register**, the Coast Guard plans to provide notification of this enforcement period via the Local Notice to Mariners and marine information broadcasts.

Dated: August 24, 2021.

Lexia M. Littlejohn,

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

[FR Doc. 2021–18641 Filed 8–27–21; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2021–0680]

RIN 1625–AA00

Safety Zone; Green River; Drakesboro, KY

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on the Green River at MM 99 to 101, on September 22, 2021 in conjunction with operations being conducted at the Paradise Fossil Plant. This safety zone is needed to protect the public, vessels, and waterfront facilities from destruction, loss, or injury from sabotage or other subversive acts, accidents, or other causes of a similar nature from the hazards associated with explosive operations at the Paradise Fossil Plant. Entry into this safety zone is prohibited unless specifically authorized by the Captain of the Port (COTP) Sector Ohio Valley or a designated representative.

DATES: This rule is effective without actual notice from 6 a.m. through 9 a.m. on September 22, 2021.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2021–0680 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 MST1 Taylor Mudrock, U.S Coast Guard 502–779–5334, *Taylor.A.Mudrock@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. It is impracticable to publish an NPRM because this safety zone must be established by September 22, 2021, and we 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**. For the same reasons discussed in the preceding paragraph, a 30 day delay of the effective date would be contrary to public interest because action is needed to respond to the potential safety hazards associated with the implosion at the Paradise Fossil Plant involving explosives beginning September 22, 2021.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034 (previously 33 U.S.C. 1231). The Captain of the Port Sector Ohio Valley (COTP) has determined that potential safety needs associated with the explosive operations at the Paradise Fossil Plant on September 22, 2021, present a safety concern. The purpose of this rulemaking is to ensure the safety of the public surrounding regulated area before, during, and after the scheduled times.

IV. Discussion of the Rule

This rule establishes a temporary safety zone from 6 a.m. through 9 a.m. on September 22, 2021. The safety zone will cover all navigable waters from mile 99 to 101 on the Green River. The duration of the zone is intended to protect personnel and vessels in and around these navigable waters during the explosive operations at the Paradise Fossil Plant before, during, and after the scheduled times. No vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size, location, duration, and time-of-day of the regulated area. This rule is limited to the Green River from mile 99 to 101 on September 22, 2021 and will be enforced only during the times specified. Moreover, the Coast Guard will issue Broadcast Notice to Mariners via VHF–FM marine channel 16 about the regulated area and the rule allows vessels to seek permission to enter the

B. Impact on Small Entities

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

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves establishing a temporary safety zone on the Green River at mile 99 to 101 on September 22, 2021. 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.T08–0451 to read as follows:

§ 165.T08–0451 Safety Zone; Green River, Drakesboro, KY.

(a) *Location.* The following area is a safety zone: All navigable waters of the Green River between MM 99 to MM 101 in Drakesboro, KY.

(b) *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 VHF–FM radio channel 16 or phone at 1–800–253–7465. 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.

(c) *Enforcement period.* This section will be enforced from 6 a.m. through 9 a.m. on September 22, 2021.

Dated: August 24, 2021.

A.M. Beach,

Captain, U.S. Coast Guard, Captain of the Port Sector Ohio Valley.

[FR Doc. 2021–18643 Filed 8–27–21; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2021–0576]

RIN 1625–AA00

Safety Zone; Maumee River; Toledo, OH

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is amending a temporary safety zone for navigable waters on the Maumee River near Promenade Park in Toledo, OH. The safety zone amendment is necessary to protect spectators, personnel, vessels, and the marine environment from potential hazards created by the Promedica Health System Fireworks event. Entry of vessels or persons into

this zone is prohibited unless specifically authorized by the Captain of the Port Detroit, or a designated representative.

DATES: This rule is effective from 7:30 p.m. through 11 p.m. on September 3, 2021.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2021–0576 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 MST2 Jacob Haan, Waterways Department, Marine Safety Unit Toledo, Coast Guard; telephone (419) 418–6040, email *Jacob.A.Haan@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest. Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because doing so would be impracticable and unnecessary. The safety zone has already been established and codified on July 28, 2021. Moreover, the slight change to the enforcement time period of the safety zone does not change the scope or other details of the fireworks event, and is therefore of little interest to the public.

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 above, delaying the effective date of this rule would be impracticable and unnecessary.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034 (previously 33 U.S.C. 1231). The Captain of the Port Detroit (COTP) has determined that potential hazards associated with the fireworks display will be a safety concern for anyone within a 250-yard radius of the launch site. The likely combination of recreational vessels, darkness punctuated by bright flashes of light, and fireworks debris falling into the water presents risks of collisions which could result in serious injuries or fatalities. This rule is needed to protect personnel, vessels, and the marine environment in the navigable waters within the safety zone during the fireworks display.

IV. Discussion of the Rule

This rule amends a safety zone that will be enforced from 7:30 p.m. through 11:00 p.m. on September 3, 2021. The safety zone will encompass all U.S. navigable waters of the Maumee River within a 250-yard radius of the fireworks launch site located near Promenade Park in Toledo, OH. The duration of the zone is intended to protect personnel, vessels, and the marine environment in these navigable waters during the fireworks display. Entry into, transiting, or anchoring within the safety zone is prohibited unless authorized by the Captain of the Port, Sector Detroit or a designated representative. The Captain of the Port, Sector Detroit or a designated representative may be contacted via VHF Channel 16.

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 would impact a small designated area of the Maumee River for a period of three hours and 30 minutes 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.

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 only three hours and 30 minutes that will prohibit entry within 250-yard radius of where the fireworks display will be conducted. It is categorically excluded from further review under paragraph L[60] of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A Record of Environmental Consideration supporting this determination is available in the docket. For instructions on locating the docket, see the **ADDRESSES** section of this preamble.

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T09–0576 to read as follows:

§ 165.T09–0576 Safety Zone; Maumee River; Toledo, OH

(a) *Location.* The following area is a safety zone: All U.S. navigable waters of the Maumee River within a within a 250-yard radius of the fireworks launch site located at position 41°38′54″ N 83°31′54″ W. All geographic coordinates are North American Datum of 1983 (NAD 83).

(b) *Enforcement period.* This regulation will be enforced from 7:30 p.m. through 11 p.m. on September 3, 2021. The Captain of the Port Detroit, or a designated representative may suspend enforcement of the safety zone at any time.

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23 of this part, entry into, transiting or anchoring within this safety zone is prohibited unless authorized by the Captain of the Port Detroit, or his designated representative.

(2) This safety zone is closed to all vessel traffic, except as may be permitted by the Captain of the Port Detroit or his designated representative.

(3) The ''designated representative'' of the Captain of the Port Detroit is any Coast Guard commissioned, warrant, or petty officer who has been designated by the Captain of the Port Detroit to act on their behalf. The designated representative of the Captain of the Port Detroit will be aboard either a Coast Guard or Coast Guard Auxiliary vessel. The Captain of the Port Detroit or a designated representative may be contacted via VHF Channel 16.

(4) Vessel operators desiring to enter or operate within the safety zone shall contact the Captain of the Port Detroit or a designated representative to obtain permission to do so. Vessel operators given permission to enter or operate in the safety zone must comply with all directions given to them by the Captain of the Port Detroit or a designated representative.

Dated: August 25, 2021.

Brad W. Kelly,

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

[FR Doc. 2021–18642 Filed 8–27–21; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2020–0054; FRL–8750–02–OCSPP]

Thiabendazole; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for residues of thiabendazole in or on multiple commodities that are identified and discussed later in this document. Interregional Research Project Number 4 (IR–4) requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective August 30, 2021. Objections and requests for hearings must be received on or before October 29, 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–2020–0054, 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 emergency, 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 EPA's tolerance regulations at 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, 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–2020–0054 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 29, 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–2020–0054, 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. Summary of Petitioned-For Tolerance

In the **Federal Register** of June 28, 2021 (86 FR 33922) (FRL–10025–08), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 9E8812) by IR–4, IR–4 Project Headquarters, Rutgers, The State University of New Jersey, 500 College Road East, Suite 201W, Princeton, NJ 08540. The petition requested EPA to establish tolerances in 40 CFR 180.242 for residues of thiabendazole (2-(4-thiazolyl)benzimidazole), including its metabolites and degradates, in or on the following raw agricultural commodities: Animal feed, nongrass, group 18 at 0.01 parts per million (ppm); Beet, garden, leaves at 0.01 ppm; *Brassica,* leafy greens, subgroup 4–16B at 0.01 ppm; Burdock, edible, leaves at 0.01 ppm; Carrot, leaves at 0.01 ppm; Carrot, roots at 10 ppm; Celeriac, leaves at 0.01 ppm; Chervil, turnip rooted, leaves at 0.01 ppm; Chicory, leaves at 0.01 ppm; Fruit, citrus, group 10–10 at 10 ppm; Fruit, pome, group 11–10 at 10 ppm; Kohlrabi at 0.01 ppm; Radish, oriental, leaves at 0.01 ppm; Rutabaga, leaves at 0.01 ppm; Salsify, black, leaves at 0.01 ppm; Sweet potato, tuber at 3 ppm; Vegetable, *Brassica,* head and stem, group 5–16 at 0.01 ppm; Vegetable, root, except sugar beet, subgroup 1B at 0.01 ppm; Vegetable, tuberous and corm, subgroup 1C, except sweet potato at 10 ppm.

The petition also proposed to remove the established tolerances for residues of thiabendazole (2-(4-thiazolyl)benzimidazole), including its metabolites and degradates, in or on the following raw agricultural commodities: Potato, postharvest at 10.0 ppm; Sweet potato (postharvest to sweet potato intended only for use as seed) at 0.05 ppm; Alfalfa, forage at 0.02 ppm; Alfalfa, hay at 0.02 ppm; Radish, tops at 0.02 ppm; *Brassica,* head and stem, subgroup 5A at 0.02 ppm; Fruit, citrus, group 10, postharvest at 10.0 ppm; Fruit, pome, group 11, postharvest at 5.0 ppm; Vegetable, root (except sugarbeet), subgroup 1B at 0.02 ppm; Carrot, roots, postharvest at 10.0 ppm; and in paragraph (b) Sweet potato at 10 ppm.

That document referenced a summary of the petition prepared by Syngenta Crop Protection, the registrant, which is available in the docket, *http://www.regulations.gov.* No comments were received in response to the notice of filing.

A previous notice of filing was published in the **Federal Register** of April 15, 2020 (85 FR 20910) (FRL–10006–54). The April 15, 2020 notice is superseded by the June 28, 2021 notice.

III. Aggregate Risk Assessment and Determination of Safety

Section 408(b)(2)(A)(i) of FFDCA allows EPA to establish 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(b)(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. . . .''

Consistent with FFDCA section 408(b)(2)(D), and the factors specified in FFDCA section 408(b)(2)(D), 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 for thiabendazole including exposure resulting from the tolerances established by this action. EPA's assessment of exposures and risks associated with thiabendazole follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its 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.

Decreased body weight is the most sensitive effect of exposure to thiabendazole observed even in young rat pups during lactation. Histopathological changes in the spleen (congestion and pigmentation) and kidney (calculus and hyperplasia of transitional epithelium) were noted in a subchronic rat study, and splenic erythropoiesis and hemosiderosis were reported in a chronic dog study. Other target organs of thiabendazole toxicity are the liver and thyroid. Increased quantitative susceptibility was observed in the rat and rabbit developmental toxicity studies, in which developmental effects occurred in the absence of maternal toxicity. Increased quantitative susceptibility was not observed in the prenatal developmental toxicity study in mice and in the 2-generation reproduction study in rats. In an acute neurotoxicity rat study (ACN), reduced locomotor activity was identified, although no morphological or histopathological effects were noted in the brain. No signs of neurotoxicity were seen in the subchronic neurotoxicity study. Thiabendazole is classified as ''Likely to be carcinogenic to humans at doses high enough to cause a disturbance of the thyroid hormonal balance. It is not likely to be carcinogenic at doses lower than those which could cause a disturbance of this hormonal balance''.

Additional information on the toxicological profile can be found at *http://www.regulations.gov* in the document titled ''Thiabendazole: Human Health Risk Assessment for the Establishment of Permanent Tolerances and Registration for Use on Animal feed, nongrass, group 18; *Brassica,* leafy greens, subgroup 4–16B; and Sweet Potato; and Crop Group Conversions/Expansions to Fruit, citrus, group 10–10; Fruit, pome, group 11–10; Kohlrabi; Vegetable, *Brassica,* head and stem, group 5–16; Vegetable, root, except sugar beet, subgroup 1B; and Vegetable, tuberous and corm, subgroup 1C, except sweet potato'' (hereinafter ''Thiabendazole Human Health Risk Assessment'') in docket ID number EPA–HQ–OPP–2020–0054.

B. Toxicological Points of Departure/Levels of Concern

Once a pesticide's toxicological profile is determined, EPA identifies toxicological points of departure (POD) and levels of concern to use in evaluating the risk posed by human exposure to the pesticide. For hazards that have a threshold below which there is no appreciable risk, the toxicological POD is used as the basis for derivation of reference values for risk assessment. PODs are developed based on a careful analysis of the doses in each toxicological study to determine the dose at which no adverse effects are observed (the NOAEL) and the lowest dose at which adverse effects of concern are identified (the LOAEL). Uncertainty/safety factors are used in conjunction with the POD to calculate a safe exposure level—generally referred to as a population-adjusted dose (PAD) or a reference dose (RfD)—and a safe margin of exposure (MOE). For non-threshold risks, the Agency assumes that any amount of exposure will lead to some degree of risk. Thus, the Agency estimates risk in terms of the probability of an occurrence of the adverse effect expected in a lifetime. For more information on the general principles EPA uses in risk characterization and a complete description of the risk assessment process, see *http://www2.epa.gov/pesticide-science-and-assessing-pesticide-risks/assessing-human-health-risk-pesticide.*

A summary of the toxicological endpoints for thiabendazole used for human risk assessment can be found in the Thiabendazole Human Health Risk Assessment.

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* In evaluating dietary exposure to thiabendazole, EPA considered exposure under the petitioned-for tolerances. EPA assessed dietary exposures from thiabendazole in food as follows:

i. *Acute exposure.* Quantitative acute dietary exposure and risk assessments are performed for a food-use pesticide, if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a 1-day or single exposure.

In conducting the acute dietary exposure assessment, EPA used the 2003–2008 food consumption data from the U.S. Department of Agriculture's National Health and Nutrition Examination Survey, What We Eat in America (NHANES/WWEIA). The acute dietary exposure assessment is partially refined and incorporated established and recommended tolerance-level residues for some commodities, maximum field trial residues for the remaining commodities according to blending classification, 100 percent crop treated (PCT), and default processing factors (except for apple juice, grapefruit juice, lemon juice, lime juice, orange juice, pear juice, potato granules/flakes, and tangerine juice).

ii. *Chronic exposure.* In conducting the chronic dietary exposure assessment, EPA used the 2003–2008 food consumption data from the USDA's NHANES/WWEIA. The chronic dietary exposure assessment is partially refined and incorporated established and recommended tolerance-level residues for some commodities, average field trial residues for the remaining commodities according to blending classification, 100 PCT, and default processing factors (except for apple juice, grapefruit juice, lemon juice, lime juice, orange juice, pear juice, potato granules/flakes, and tangerine juice).

iii. *Cancer.* Thiabendazole is classified as ''Likely to be carcinogenic at doses high enough to cause a disturbance of the thyroid hormonal balance but not likely to be carcinogenic at doses lower than those which could cause a disturbance of this hormonal balance.'' EPA is regulating chronic exposure based on a reference dose that is lower than (and thus protective of) the level that would cause a disturbance in the thyroid hormonal balance, making tumor formation highly unlikely; therefore, a cancer dietary exposure assessment is not required. The current partially refined chronic dietary risk assessment is conservative and is protective for cancer effects.

iv. *Anticipated residue and PCT information.* EPA used some tolerance-level residues and some anticipated residue data for assessing tolerances. Section 408(b)(2)(E) of FFDCA authorizes EPA to use available data and information on the anticipated residue levels of pesticide residues in food and the actual levels of pesticide residues that have been measured in food. If EPA relies on such information, EPA must require pursuant to FFDCA section 408(f)(1) that data be provided 5 years

after the tolerance is established, modified, or left in effect, demonstrating that the levels in food are not above the levels anticipated. For the present action, EPA will issue such data call-ins as are required by FFDCA section 408(b)(2)(E) and authorized under FFDCA section 408(f)(1). Data will be required to be submitted no later than 5 years from the date of issuance of these tolerances.

EPA did not use PCT estimates in the dietary assessment for thiabendazole; 100 PCT was assumed for all food commodities.

2. *Dietary exposure from drinking water.* The Agency used screening-level water exposure models in the dietary exposure analysis and risk assessment for thiabendazole in drinking water. Further information regarding EPA drinking water models used in pesticide exposure assessment can be found at *http://www2.epa.gov/pesticide-science-and-assessing-pesticide-risks/about-water-exposure-models-used-pesticide.*

Based on the FQPA Index Reservoir Screening Tool (FIRST; surface water) model and the Pesticide Root Zone Model for Ground Water (PRZM–GW; groundwater), EPA used an estimated drinking water concentration (EDWC) of 3.80 ppb for the acute dietary risk assessment and a value of 0.47 ppb for the chronic dietary risk assessment.

3. *From non-dietary exposure.* The term ''residential exposure'' is used in this document to refer to non-occupational, non-dietary exposure (*e.g.,* for lawn and garden pest control, indoor pest control, termiticides, and flea and tick control on pets).

Thiabendazole is currently registered for uses that may result in residential handler and post-application exposures, including use in paints and textiles. As an initial matter in assessing aggregate risk of the pesticide chemical residues, the Agency takes into consideration those residential exposure scenarios that provide the most conservative estimate of residential exposures, including handler exposure and post-application exposure or both.

The residential handler exposure scenario used in the aggregate assessment is for adult handler inhalation exposures from applying thiabendazole-treated paint using airless sprayers. For this scenario, the Aggregate Risk Index (ARI) approach was used since the PODs/endpoints were similar, but the levels of concern (LOCs) were different. An ARI greater than or equal to 1 is not of concern.

The residential exposure scenario used for the post-application assessment is incidental oral exposures from children 1 to <2 years old mouthing preserved textiles (clothing) treated with thiabendazole.

Further information regarding EPA standard assumptions and generic inputs for residential exposures may be found at *http://www2.epa.gov/pesticide-science-and-assessing-pesticide-risks/standard-operating-procedures-residential-pesticide.*

4. *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.''

Unlike other pesticides for which EPA has followed a cumulative risk approach based on a common mechanism of toxicity, EPA has not made a common mechanism of toxicity finding as to thiabendazole and any other substances and thiabendazole does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has not assumed that thiabendazole has a common mechanism of toxicity with other substances.

D. Safety Factor for Infants and Children

1. *In general.* Section 408(b)(2)(C) of FFDCA provides that EPA shall apply an additional tenfold (10X) 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 database on toxicity and exposure unless EPA determines based on reliable data that a different margin of safety will be safe for infants and children. This additional margin of safety is commonly referred to as the FQPA Safety Factor (SF). In applying this provision, EPA either retains the default value of 10X, or uses a different additional safety factor when reliable data available to EPA support the choice of a different factor.

2. *Prenatal and postnatal sensitivity.* The data submitted to the Agency, as well as those from published literature, demonstrated increased quantitative susceptibility in the rat and rabbit developmental toxicity studies, in which developmental effects (decreased fetal weights in rat and rabbit pups) were observed while maternal toxicity was not observed up to the highest doses tested. No increased susceptibility was observed in mice *in utero* and/or to rats following early postnatal exposure to thiabendazole.

3. *Conclusion.* EPA has determined there is reliable data to support a conclusion that a FQPA Safety Factor (SF) of 1X will be protective for infants and children for all scenarios, with the exception of the assessment of inhalation exposure. The default FQPA 10X SF remains in place for assessing the non-occupational inhalation exposure due to the lack of a subchronic inhalation study with thyroid measurements. That decision is based on the following findings:

i. The toxicology database for thiabendazole is complete with the exception of a subchronic inhalation toxicity study with thyroid measurements. Based on a weight of evidence approach considering all the available hazard and exposure information for thiabendazole, the Agency determined that a developmental thyroid toxicity study is not required at this time. Acceptable studies are available for developmental, reproduction, chronic, subchronic, subchronic neurotoxicity and immunotoxicity.

ii. In an acute neurotoxicity rat study (ACN), reduced locomotor activity in males and females at time of peak effect (approximately 3 hours post-dose) were seen without morphological or histopathological effects on the brain. Thiabendazole was not neurotoxic in rats in a subchronic neurotoxicity study at the highest dose tested (1,500 ppm equivalent to 95 mg/kg/day).

iii. As noted above, there is some evidence of increased susceptibility in the developmental fetus from exposure to thiabendazole. Nevertheless, the Agency has sufficient data to understand and protect against the potential developmental effects. The data indicating the potential for developmental toxicity presented well-defined NOAELs and LOAELs, which the Agency took into account when identifying endpoints. The selected points of departure for regulating exposure are protective of both the potential for neurotoxicity and the increased susceptibility of infants and children. There is no residual uncertainty concerning the potential for prenatal or post-natal toxicity that precludes the reduction of the FPQA 10X SF.

iv. There are no residual uncertainties in the exposure database. The dietary risk assessment is conservative and will not underestimate dietary and/or non-dietary occupational exposure to thiabendazole. The acute and chronic dietary assessments conducted were slightly refined analyses. The assessments utilized tolerance-level residues, maximum residue or average

residue values from field-trial data, empirical or EPA's 2018 default processing factors, and 100 PCT. The analysis also used Tier 1 drinking water estimates. For these reasons, it can be concluded that the analysis does not underestimate risk from acute or chronic exposure to thiabendazole. Similarly, EPA does not believe that the non-dietary exposures are underestimated because they are also based on conservative assumptions.

E. Aggregate Risks and Determination of Safety

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

1. *Acute risk.* An acute aggregate risk assessment takes into account acute exposure estimates from dietary consumption of food and drinking water. Using the exposure assumptions described in this unit for acute exposure, EPA has concluded that acute exposure to thiabendazole from food and water will utilize 50% of the aPAD for children 1 to 2 years old, the population group receiving the greatest exposure.

2. *Chronic risk.* Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that chronic exposure to thiabendazole from food and water will utilize 64% of the cPAD for children 1 to 2 years old, the population group receiving the greatest exposure.

3. *Short-term risk.* Short-term aggregate exposure takes into account short-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level). Thiabendazole is registered for uses that could result in short-term residential exposure, and the Agency has determined that it is appropriate to aggregate chronic exposure through food and water with short-term residential exposures to thiabendazole.

Using the exposure assumptions described in this unit for short-term exposures, EPA has concluded the combined short-term food, water, and residential exposures result in an aggregate ARI of 1.88 for adults and an MOE of 200 for children 1 to 2 years old. Because EPA's level of concern for thiabendazole is an ARI of less than or equal to 1 or an MOE of 100 or below, these ARIs/MOEs are not of concern.

4. *Intermediate-term risk.* Intermediate-term aggregate exposure takes into account intermediate-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level).

An intermediate-term adverse effect was identified; however, thiabendazole is not registered for any use patterns that would result in intermediate-term residential exposure. Intermediate-term risk is assessed based on intermediate-term residential exposure plus chronic dietary exposure. Because there is no intermediate-term residential exposure and chronic dietary exposure has already been assessed under the appropriately protective cPAD (which is at least as protective as the POD used to assess intermediate-term risk), no further assessment of intermediate-term risk is necessary, and EPA relies on the chronic dietary risk assessment for evaluating intermediate-term risk for thiabendazole.

5. *Aggregate cancer risk for U.S. population.* As the risks estimated based on the chronic reference dose are protective of cancer effects, no separate cancer risk assessment is necessary. The chronic dietary aggregate risk assessment is below the Agency's level of concern; therefore, the Agency concludes that aggregate exposure to thiabendazole is not likely to pose a cancer risk.

6. *Determination of safety.* Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to the general population, or to infants and children from aggregate exposure to thiabendazole residues.

IV. Other Considerations

A. Analytical Enforcement Methodology

Adequate spectrophotofluorometric methods are available in the Pesticide Analytical Manual, Volume II (PAM II) for enforcement of thiabendazole tolerances.

B. International Residue Limits

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural practices. EPA considers the international maximum residue limits (MRLs) established by the Codex Alimentarius Commission (Codex), as required by FFDCA section 408(b)(4). The Codex Alimentarius is a joint United Nations Food and Agriculture Organization/World Health Organization food standards program, and it is recognized as an international food safety standards-setting organization in trade agreements to which the United States is a party. EPA may establish a tolerance that is different from a Codex MRL; however, FFDCA section 408(b)(4) requires that EPA explain the reasons for departing from the Codex level.

Codex has established more restrictive (*i.e.,* lower) MRLs for residues in/on citrus fruits and pome fruits (7 ppm and 3 ppm respectively, versus the existing U.S. tolerances for the old crop groups, which are 10.0 ppm for citrus and 5.0 ppm for pome fruit.) Therefore, harmonization with the Codex MRLs are not possible because U.S. growers would be at risk of violative residues of thiabendazole despite legal use according to the label. Instead, EPA is harmonizing the tolerance for fruit, pome, group 11–10 with the Canadian MRL of 10 ppm in/on apples and pears. Additionally, Codex has established an MRL for residues in/on potato at 15 ppm, which is higher than the revised U.S. tolerance of 10 ppm. Per the registrant's request, the Agency is not harmonizing with the established Codex MRL for residues in/on potato. Instead, the U.S. tolerance is harmonized with the Canadian MRL for potatoes at 10 ppm because Canada is a major trading partner with the United States for potatoes.

C. Revisions to Petitioned-For Tolerances

As mentioned in Unit II., the petitioner requested that the time-limited tolerance in § 180.242(b) at 10 ppm for residues of thiabendazole in/on sweet potato be removed upon the establishment of a permanent tolerance for residues of thiabendazole in/on sweet potato in § 180.242(a). EPA is not removing the time-limited tolerance on sweet potato in § 180.242(b) due to a difference between the section 18 use pattern and the proposed use pattern for the section 3 registration. There is a potential that use under the current section 18 could result in exceedances if this tolerance was revoked.

D. International Trade Considerations

In this rule, EPA is establishing tolerances for thiabendazole residues in or on the Animal feed, nongrass, group 18; Vegetable, *Brassica,* head and stem, group 5–16; and the Vegetable, root, except sugar beet, subgroup 1B (all at 0.01 ppm) that are lower than the current tolerances of Alfalfa forage, Alfalfa hay, *Brassica* head and stem

subgroup 5A, and Vegetable, root (except sugarbeet), subgroup 1B (all 0.02 ppm). For the reasons explained in the Thiabendazole Human Health Risk Assessment, the Agency believes these revised, lower tolerances are appropriate.

In accordance with the World Trade Organization's (WTO) Sanitary and Phytosanitary Measures (SPS) Agreement, EPA intends to notify the WTO of the changes to these tolerances in order to satisfy its obligations under the Agreement. In addition, the SPS Agreement requires that Members provide a ''reasonable interval'' between the publication of a regulation subject to the Agreement and its entry into force to allow time for producers in exporting Member countries to adapt to the new requirement. Accordingly, EPA is establishing an expiration date for the existing tolerances to allow these tolerances to remain in effect for a period of six months after the effective date of this final rule. After the six-month period expires, these tolerances will be reduced or revoked, as indicated in the regulatory text, and allowable residues on alfalfa forage, alfalfa hay, *Brassica* head and stem subgroup 5A, and vegetable, root (except sugarbeet), subgroup 1B must conform to the tolerances for Animal feed, nongrass, group 18; Vegetable, *Brassica,* head and stem, group 5–16; and Vegetable, root, except sugar beet, subgroup 1B. This reduction in tolerance level is not discriminatory; the same food safety standard contained in the FFDCA applies equally to domestically produced and imported foods. The new tolerance levels are supported by available residue data.

V. Conclusion

Therefore, tolerances are established for residues of thiabendazole in or on Animal feed, nongrass, group 18 at 0.01 ppm; Beet, garden, leaves at 0.01 ppm; *Brassica,* leafy greens, subgroup 4–16B at 0.01 ppm; Burdock, edible, leaves at 0.01 ppm; Carrot, leaves at 0.01 ppm; Carrot, roots at 10 ppm; Celeriac, leaves at 0.01 ppm; Chervil, turnip rooted, leaves at 0.01 ppm; Chicory, leaves at 0.01 ppm; Fruit, citrus, group 10–10 at 10 ppm; Fruit, pome, group 11–10 at 10 ppm; Kohlrabi at 0.01 ppm; Radish, oriental, leaves at 0.01 ppm; Rutabaga, leaves at 0.01 ppm; Salsify, black, leaves at 0.01 ppm; Sweet potato, tuber at 3 ppm; Vegetable, *Brassica,* head and stem, group 5–16 at 0.01 ppm; Vegetable, root, except sugar beet, subgroup 1B at 0.01 ppm; and Vegetable, tuberous and corm, subgroup 1C, except sweet potato at 10 ppm.

Additionally, the following tolerances are removed as unnecessary due to the establishment of the above tolerances: Alfalfa, forage; Alfalfa, hay; *Brassica,* head and stem, subgroup 5A; Carrot, roots, postharvest; Fruit, citrus, group 10, postharvest; Fruit, pome, group 11, postharvest; Potato, postharvest; Radish, tops; Sweet potato (postharvest to sweet potato intended only for use as seed); and Vegetable, root (except sugarbeet), subgroup 1B.

Finally, EPA is revising the tolerance expression for thiabendazole in 40 CFR 180.242(a)(1) and (2) to clarify (1) that, as provided in FFDCA section 408(a)(3), the tolerance covers metabolites and degradates of thiabendazole not specifically mentioned; and (2) that compliance with the specified tolerance levels is to be determined by measuring only the specific compounds mentioned in the tolerance expression. EPA has determined that it is reasonable to make this change final without prior proposal and opportunity for comment, because public comment is not necessary, in that the change has no substantive effect on the tolerance, but rather is merely intended to clarify the existing tolerance expression.

VI. Statutory and Executive Order Reviews

This action establishes tolerances 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 tolerances and modifications 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).

VII. 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 18, 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 § 180.242:
■ a. Amend paragraph (a)(1) by:
■ i. Revising the introductory text.
■ ii. In the table:
■ A. Adding the heading ''Table 1 to Paragraph (a)(1)'';
■ B. Removing the entries for ''Alfalfa, forage''; and ''Alfalfa, hay'';
■ C. Adding in alphabetical order the entries ''Animal feed, nongrass, group 18''; and ''Beet, garden, leaves'';
■ D. Removing the entry for ''*Brassica,* head and stem, subgroup 5A'';
■ E. Adding in alphabetical order the entries ''*Brassica,* leafy greens, subgroup 4–16B''; ''Burdock, edible, leaves''; ''Carrot, leaves''; and ''Carrot, roots'';
■ F. Removing the entry for ''Carrot, roots, postharvest'';
■ G. Adding in alphabetical order the entries ''Celeriac, leaves''; ''Chervil, turnip rooted, leaves''; ''Chicory, leaves''; and ''Fruit, citrus, group 10–10'';
■ H. Removing the entry for ''Fruit, citrus, group 10, postharvest'';
■ I. Adding the entry ''Fruit, pome, group 11–10'';
■ K. Removing the entry for ''Fruit, pome, group 11, postharvest'';
■ L. Adding in alphabetical order the entry ''Kohlrabi'';
■ M. Removing the entry for ''Potato, postharvest'';
■ N. Adding in alphabetical order the entry ''Radish, oriental, leaves'';
■ O. Removing the entry for ''Radish, tops'';
■ P. Adding in alphabetical order the entries ''Rutabaga, leaves''; and ''Salsify, black, leaves'';
■ Q. Removing the entry for ''Sweet potato (postharvest to sweet potato intended only for use as seed)'';
■ R. Adding in alphabetical order the entries ''Sweet potato, tuber''; ''Vegetable, *Brassica,* head and stem, group 5–16''; and ''Vegetable, root, except sugar beet, subgroup 1B'';
■ S. Removing the entry for ''Vegetable, root (except sugarbeet), subgroup 1B'';
■ T. Adding in alphabetical order the entry ''Vegetable, tuberous and corm, subgroup 1C, except sweet potato'' and
■ b. Amend paragraph (a)(2) by:
■ i. Revising the introductory text.
■ ii. In the table, adding the heading ''Table 2 to Paragraph (a)(2)''.
■ The additions and revisions read as follows:

§ 180.242 Thiabendazole; tolerances for residues.

(a) *General.* (1) Tolerances are established for residues of thiabendazole, including its metabolites and degradates, in or on the commodities in table 1 to paragraph (a)(1). Compliance with the tolerance levels specified to table 1 to paragraph (a)(1) is to be determined by measuring only thiabendazole in or on the commodity.

TABLE 1 TO PARAGRAPH (a)(1)

Commodity	Parts per million
Alfalfa, forage [1]	0.02
Alfalfa, hay [1]	0.02
Animal feed, nongrass, group 18	0.01
* * * * * * *	
Beet, garden, leaves	0.01
Brassica, head and stem, subgroup 5A [1]	0.02
Brassica, leafy greens, subgroup 4–16B	0.01
Burdock, edible, leaves	0.01
* * * * * * *	
Carrot, leaves	0.01
Carrot, roots	10
Celeriac, leaves	0.01
Chervil, turnip rooted, leaves	0.01
Chicory, leaves	0.01
* * * * * * *	
Fruit, citrus, group 10–10	10
Fruit, pome, group 11–10	10
Kohlrabi	0.01
* * * * * * *	
Radish, oriental, leaves	0.01
Rutabaga, leaves	0.01
Salsify, black, leaves	0.01
Sweet potato, tuber	3
* * * * * * *	
Vegetable, *Brassica,* head and stem, group 5–16	0.01
* * * * * * *	
Vegetable, root, except sugar beet, subgroup 1B	0.01
Vegetable, root, except sugar beet, subgroup 1B [1]	0.02
Vegetable, tuberous and corm, subgroup 1C, except sweet potato	10
* * * * * * *	

[1] This tolerance expires on February 28, 2022.

(2) Tolerances are established for residues of thiabendazole, including its metabolites and degradates, in or on the commodities in table 2 to paragraph (a)(2). Compliance with the tolerance levels specified to table 2 to paragraph (a)(2) is to be determined by measuring only the sum of thiabendazole (2-(4-thiazolyl)benzimidazole) and its metabolite 5-hydroxythiabendazole (free and conjugated) calculated as the stoichiometric equivalent of thiabendazole, in or on the commodity.

TABLE 2 TO PARAGRAPH (a)(2)

* * * * *

[FR Doc. 2021–18390 Filed 8–27–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2021–0523; FRL–5993–04–OCSPP]

Chlorpyrifos; Tolerance Revocations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: On April 29, 2021, the United States Court of Appeals for the Ninth Circuit ordered EPA to issue a final rule concerning the chlorpyrifos tolerances by August 20, 2021. Based on the currently available data and taking into consideration the currently registered uses for chlorpyrifos, EPA is unable to conclude that the risk from aggregate exposure from the use of chlorpyrifos meets the safety standard of the Federal Food, Drug, and Cosmetic Act (FFDCA). Accordingly, EPA is revoking all tolerances for chlorpyrifos.

DATES: This final rule is effective October 29, 2021. The tolerances for all commodities expire on February 28, 2022.

Written objections, requests for hearings, or requests for a stay identified by the docket identification (ID) number EPA–HQ–OPP–2021–0523 must be received on or before October 29, 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** unit in this document).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2021–0523, 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.

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

FOR FURTHER INFORMATION CONTACT: Elissa Reaves, Pesticide Re-Evaluation Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: 703–347–0206; email address: *OPPChlorpyrifosInquiries@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).

Other types of entities not listed in this unit could also be affected. The NAICS codes have been provided to assist you and others in determining whether this action might apply to certain entities. To determine whether you or your business may be affected by this action, you should carefully examine the applicability provisions in Unit II. If you have any questions regarding the applicability of this action to a particular entity, consult the contact listed under **FOR FURTHER INFORMATION CONTACT**.

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 Printing 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, 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–2021–0523 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 29, 2021. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b), although at this time, EPA strongly encourages those interested in submitting objections or a hearing request, to submit objections and hearing requests electronically. *See* Order Urging Electronic Service and Filing (April 10, 2020), *https://www.epa.gov/sites/production/files/2020-05/documents/2020-04-10_-_order_urging_electronic_service_and_filing.pdf.* At this time, because of the COVID–19 pandemic, the judges and staff of the Office of Administrative Law Judges (OALJ) are working remotely and not able to accept filings or correspondence by courier, personal deliver, or commercial delivery, and the ability to receive filings or correspondence by U.S. Mail is similarly limited. When submitting documents to the U.S. EPA OALJ, a person should utilize the OALJ e-filing system, at *https://yosemite.epa.gov/OA/EAB/EAB-ALJ_upload.nsf.*

Although EPA's regulations require submission via U.S. Mail or hand delivery, EPA intends to treat submissions filed via electronic means as properly filed submissions during this time that the Agency continues to maximize telework due to the pandemic; therefore, EPA believes the preference for submission via electronic means will not be prejudicial. If it is

impossible for a person to submit documents electronically or receive service electronically, *e.g.,* the person does not have any access to a computer, the person shall so advise OALJ by contacting the Hearing Clerk at (202) 564–6281. If a person is without access to a computer and must file documents by U.S. Mail, the person shall notify the Hearing Clerk every time it files a document in such a manner. The address for mailing documents is U.S. Environmental Protection Agency, Office of Administrative Law Judges, Mail Code 1900R, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178 and above, 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–2021–0523, 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 CBI or other information whose disclosure is restricted by statute.

If you would like to submit CBI with your hearing request, please first contact the Pesticide Re-Evaluation Division by telephone, 703–347–0206, or by email address: *OPPChlorpyrifosInquiries@epa.gov.* Do not submit CBI to EPA through the Federal eRulemaking Portal or email.

D. What can I do if I want the Agency to maintain a tolerance that the Agency has revoked?

Any affected party has 60 days from the date of publication of this order to file objections to any aspect of this order with EPA and to request an evidentiary hearing on those objections (21 U.S.C. 346a(g)(2)). A person may raise objections without requesting a hearing.

The objections submitted must specify the provisions of the regulation deemed objectionable and the grounds for the objection (40 CFR 178.25). While 40 CFR 180.33(i) indicates a fee is due with each objection, EPA currently cannot collect such fees per 21 U.S.C. 346a(m)(3). If a hearing is requested, the objections must include a statement of the factual issue(s) on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the objector (40 CFR 178.27).

Although any person may file an objection, EPA will not consider any legal or factual issue presented in objections, if that issue could reasonably have been raised earlier in the Agency's review of chlorpyrifos relative to this petition. Similarly, if you fail to file an objection to an issue resolved in the final rule within the time period specified, you will have waived the right to challenge the final rule's resolution of that issue (40 CFR 178.30(a)). After the specified time, issues resolved in the final rule cannot be raised again in any subsequent proceedings on this rule. See Nader v EPA, 859 F.2d 747 (9th Cir. 1988), cert denied 490 U.S. 1931 (1989).

EPA will review any objections and hearing requests in accordance with 40 CFR 178.30, and will publish its determination with respect to each in the **Federal Register**. A request for a hearing will be granted only to resolve factual disputes; objections of a purely policy or legal nature will be resolved in the Agency's final order, and will only be subject to judicial review pursuant to 21 U.S.C. 346a(h)(1), (40 CFR 178.20(c) and 178.32(b)(1)). A hearing will only be held if the Administrator determines that the material submitted shows the following: (1) There is a genuine and substantial issue of fact; (2) There is a reasonable probability that available evidence identified by the requestor would, if established, resolve one or more of such issues in favor of the requestor, taking into account uncontested claims to the contrary; and (3) Resolution of the issue(s) in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.30*).*

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–2021–0523 in the subject line on the first page of your submission. All requests must be in writing and must be received by the Hearing Clerk as required by 40 CFR part 178 on or before October 29, 2021.

II. Background

A. What action is the Agency taking?

EPA is revoking all tolerances for residues of chlorpyrifos. In 2007, the Pesticide Action Network North America (PANNA) and the Natural Resources Defense Council (NRDC) filed a petition with EPA under section 408(d) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a(d), requesting that EPA revoke all chlorpyrifos tolerances. (Ref. 1). In an April 29, 2021 decision concerning the Agency's orders denying that 2007 Petition and the subsequent objections to that denial, the Ninth Circuit ordered EPA to ''(1) grant the 2007 Petition; (2) issue a final regulation within 60 days following issuance of the mandate that either (a) revokes all chlorpyrifos tolerances or (b) modifies chlorpyrifos tolerances and simultaneously certifies that, with the tolerances so modified, the EPA 'has determined 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,' including for 'infants and children'; and (3) modify or cancel related FIFRA registrations for food use in a timely fashion consistent with the requirements of 21 U.S.C. 346a(a)(1).'' *League of United Latin Am. Citizens* v. *Regan,* 996 F.3d 673 (9th Cir. 2021) (the *LULAC* decision).

In today's action, EPA is granting the 2007 Petition, which requested revocation of the tolerances. While EPA previously responded to and denied the individual claims in the original petition, the Court found EPA's denial, at least with regard to the issues raised in the litigation, to be unsupported by the record before the Court and ordered EPA to grant the 2007 Petition and issue a final rule revoking or modifying tolerances. EPA is granting the petition by granting the relief sought by the petition, *i.e.,* the revocation of the chlorpyrifos tolerances, for the reasons stated in this rulemaking. Moreover, the Court expressly ordered EPA to respond to the petition by issuing a final rule under FFDCA section 408(d)(4)(A)(i). 996 F.3d at 702. That provision of the statute involves the issuance of a final rule ''without further notice and without further period for public comment.'' 21 U.S.C. 346a(d)(4)(A)(i). While the FFDCA provides an option for EPA to respond to a petition with the issuance of a proposed rule under FFDCA section 408(d)(4)(A)(ii) and thereafter to finalize the proposal, the Court did not direct EPA to exercise its authority to finalize its 2015 proposal to revoke tolerances pursuant to subparagraph (d)(4)(A)(ii). Nothing in the Ninth Circuit's opinion reflects an expectation that, in complying with the Court's order, EPA would or should finalize the 2015 proposed rule. As such, EPA is viewing this action as independent from the 2015 proposal, and this final rule is based on the Agency's current assessment of the available scientific information, rather

than a continuation of and finalization of the Agency's proposal in 2015 to revoke chlorpyrifos tolerances.

In this final rule, EPA is revoking all tolerances for residues of chlorpyrifos contained in 40 CFR 180.342. This includes tolerances for residues of chlorpyrifos on specific food and feed commodities (180.342(a)(1)); on all food commodities treated in food handling and food service establishments in accordance with prescribed conditions (180.342(a)(2) and (a)(3)); and on specific commodities when used under regional registrations (180.342(c)).

EPA finds that, taking into consideration the currently available information and the currently registered uses of chlorpyrifos, EPA cannot make a safety finding to support leaving the current tolerances for residues of chlorpyrifos in place, as required under the FFDCA section 408(b)(2). 21 U.S.C. 346a(b)(2). As described in greater detail below, the Agency's analysis indicates that aggregate exposures (*i.e.,* exposures from food, drinking water, and residential exposures), which stem from currently registered uses, exceed safe levels, when relying on the well-established 10% red blood cell acetylcholinesterase (RBC AChE) inhibition as an endpoint for risk assessment and including the statutory tenfold (10X) margin of safety to account for uncertainties related to the potential for neurodevelopmental effects to infants, children, and pregnant women. Accordingly, the Agency is therefore revoking all tolerances because given the currently registered uses of chlorpyrifos, EPA cannot determine that there is a reasonable certainty that no harm will result from aggregate exposure to residues, including all anticipated dietary (food and drinking water) exposures and all other exposures for which there is reliable information.

B. What is the Agency's authority for taking this action?

EPA is taking this action pursuant to the authority in FFDCA sections 408(b)(1)(A), 408(b)(2)(A), and 408(d)(4)(A)(i). 21 U.S.C. 346a(b)(1)(A), (b)(2)(A), (d)(4)(A)(i).

C. Overview of Final Rule

When assessing pesticides, EPA performs a number of analyses to determine the risks from aggregate exposure to pesticide residues. For further discussion of the regulatory requirements of section 408 of the FFDCA, see *https://www.epa.gov/laws-regulations/summary-federal-food-drug-and-cosmetic-act,* and for a complete description of the risk assessment process, see *https://www.epa.gov/pesticide-science-and-assessing-pesticide-risks/overview-risk-assessment-pesticide-program* and *https://www.epa.gov/pesticide-science-and-assessing-pesticide-risks/epas-risk-assessment-process-tolerance-reassessment.*

In general, to assess the risk of a pesticide tolerance, EPA combines information on pesticide toxicity with information regarding the route, magnitude, and duration of exposure to the pesticide. The risk assessment process involves four distinct steps: (1) Identification of the toxicological hazards posed by a pesticide; (2) Determination of the exposure ''level of concern'' for humans, which includes choosing a point of departure (PoD) that reflects the adverse health endpoint that is most sensitive to the pesticide, as well as uncertainty factors; (3) Estimation of human exposure to the pesticide through all applicable routes; and (4) Characterization of human risk based on comparison of the estimated human exposure to the level of concern. For tolerances, if aggregate exposure to humans is greater than the Agency's determined level of concern, the Agency's determination is the tolerances are not safe.

The following provides a brief roadmap of the Units in this rule.

- Unit III. contains an overview of the statutory background, including the safety standard in FFDCA, and the registration standard under FIFRA. FFDCA provides the statutory basis for evaluating tolerances and directs the Agency to revoke tolerances that are not safe.
- Unit IV. provides an overview of the FFDCA petition that requested that EPA revoke chlorpyrifos tolerances on the grounds that those tolerances were not safe under the FFDCA. While that petition raised numerous issues, the primary scientific challenge to the chlorpyrifos tolerances that was before the Ninth Circuit related to whether EPA had selected the correct PoD for assessing risk. While EPA's PoD was based on inhibition of the enzyme acetylcholinesterase (AChE), petitioners asserted that the most sensitive health endpoint was neurodevelopmental outcomes from exposure to chlorpyrifos. A summary of that petition, EPA's response to that petition, and the subsequent litigation and Ninth Circuit's order directing EPA to revoke or modify the chlorpyrifos tolerances is included in this section.
- Unit V. provides an overview of the regulatory background for chlorpyrifos, including the numerous human health risk assessments EPA has conducted and FIFRA Scientific Advisory Panels (SAPs) that were convened to discuss the complex scientific issues associated with chlorpyrifos.
- Units VI. through VIII. summarizes EPA's risk assessment, which reflect the four-step process described above.
- Unit VI, which focuses on the hazard assessment of chlorpyrifos, combines the first two steps to provide a full picture of how EPA conducts its hazard assessment. After describing the process generally, this unit discusses EPA's analysis of the hazards posed by chlorpyrifos, including a discussion of the available data on AChE inhibition and the potential for neurodevelopmental outcomes in the young. Unit VI. also discusses the Agency's process for determining the endpoint on which to regulate chlorpyrifos exposure and the rationale for basing the PoD analysis on 10% AChE inhibition. Finally, this Unit includes a discussion of the FQPA safety factor and the Agency's reasons for retaining the default 10X value.
- Unit VII. describes EPA's exposure assessment for chlorpyrifos. The unit includes a description of the general approach for estimating exposures to pesticide residues in or on food and in drinking water, as well as exposures that come from non-occupational and non-dietary sources, also referred to as residential exposures. The unit walks through how EPA conducted those exposure assessments for chlorpyrifos, including a detailed discussion of the recent refinements to the drinking water analysis conducted by EPA for chlorpyrifos.
- Unit VIII. describes the Agency's process for assessing aggregate risk based on the hazard discussed in Unit VI. and the exposure discussed in Unit VII. and provides the Agency's rationale and conclusions concerning the overall risks posed by chlorpyrifos based on the currently registered uses. Unit VIII. concludes that the aggregate risks exceed the level of concern and therefore the chlorpyrifos tolerances must be revoked.

Units IX. and X. address procedural matters, international obligations, statutory and executive order review requirements, and the specific revisions that will be made to the Code of Federal Regulations with this final rule.

III. Statutory Background

A. Federal Food, Drug, and Cosmetic Act (FFDCA) Tolerances

A ''tolerance'' represents the maximum level for residues of pesticide chemicals legally allowed in or on raw agricultural commodities and processed

foods. Section 408 of FFDCA, 21 U.S.C. 346a, authorizes the establishment of tolerances, exemptions from tolerance requirements, modifications of tolerances, and revocation of tolerances for residues of pesticide chemicals in or on raw agricultural commodities and processed foods. Without a tolerance or exemption, pesticide residues in or on food is considered unsafe, 21 U.S.C. 346a(a)(1), and such food, which is then rendered ''adulterated'' under FFDCA section 402(a), 21 U.S.C. 342(a), may not be distributed in interstate commerce, 21 U.S.C. 331(a).

Section 408(b)(2) of the FFDCA directs that EPA may establish or leave in effect a tolerance for a pesticide only if it finds that the tolerance is safe, and EPA must revoke or modify tolerances determined to be unsafe. FFDCA 408(b)(2)(A)(i) (21 U.S.C. 346a(b)(2)(A)(i)). Section 408(b)(2)(A)(ii) 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 food, drinking water and all non-occupational exposures (*e.g.,* in residential settings), but does not include occupational exposures to workers (*i.e.,* occupational). Risks to infants and children are given special consideration. Specifically, pursuant to section 408(b)(2)(C), EPA must assess the risk of the pesticide chemical based on available information concerning the special susceptibility of infants and children to the pesticide chemical residues, including neurological differences between infants and children and adults, and effects of in utero exposure to pesticide chemicals; and available information concerning the cumulative effects on infants and children of such residues and other substances that have a common mechanism of toxicity. (21 U.S.C. 346a(b)(2)(C)(i)(II) and (III)).

This provision further directs that ''in the case of threshold effects, . . . an additional tenfold margin of safety for the pesticide chemical residue and other sources of exposure shall be applied for infants and children to take into account potential pre- and postnatal toxicity and completeness of the data with respect to exposure and toxicity to infants and children.'' (21 U.S.C. 346a(b)(2)(C)). EPA is permitted to ''use a different margin of safety for the pesticide chemical residue only if, on the basis of reliable data, such margin will be safe for infants and children.'' (21 U.S.C. 346a(b)(2)(C)). Due to Congress's focus on both pre- and postnatal toxicity, EPA has interpreted this additional safety factor as pertaining to risks to infants and children that arise due to prenatal exposure as well as to exposure during childhood years. This section providing for the special consideration of infants and children in section 408(b)(2)(C) was added to the FFDCA through the Food Quality Protection Act (FQPA) (Pub. L. 104–170, 110 Stat. 1489 (1996)); therefore, this additional margin of safety is often referred to as the ''FQPA safety factor (SF)''.

Section 408(d) of the FFDCA, 21 U.S.C. 346a(d), authorizes EPA to revoke tolerances in response to an administrative petition submitted by any person. As explained in more detail in Unit IV, PANNA and NRDC submitted a petition in 2007 requesting revocation of all chlorpyrifos tolerances. The Ninth Circuit has directed EPA to grant that petition and issue a rule revoking or modifying those tolerances. EPA is issuing this rule in response to that petition and revoking all chlorpyrifos tolerances because EPA is unable to determine, based on data available at this time, that aggregate exposures to chlorpyrifos are safe.

B. Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Registration Review

Under FIFRA, a pesticide may not be sold or distributed in the United States unless it is registered. (7.U.S.C. 136a(a)). EPA must determine that a pesticide ''will not generally cause unreasonable adverse effects on the environment in order to register a pesticide.'' 7 U.S.C. 136a(c)(5). The term ''unreasonable adverse effects on the environment'' is defined to include ''a human dietary risk from residues that result from a use of a pesticide in or on any food inconsistent with the standard under section 346a of Title 21.'' 7 U.S.C. 136(bb). Thus, the FIFRA registration standard incorporates the FFDCA safety standard and requires consideration of safety at the time of registration and during the registration review process.

Under section 3(g) of FIFRA (7 U.S.C. 136(a)(g)), EPA is required to re-evaluate existing registered pesticides every 15 years in a process called ''registration review.'' The purpose of registration review is ''to ensure that each pesticide registration continues to satisfy the FIFRA standard for registration,'' 40 CFR 155.40(a)(1), taking into account changes that have occurred since the last registration decision, including any new relevant scientific information and any changes to risk-assessment procedures, methods, and data requirements. 40 CFR 55.53(a). To ensure that a pesticide continues to meet the standard for registration, EPA must determine, based on the available data, including any additional information that has become available since the pesticide was originally registered or re-evaluated, that the pesticide does not cause ''unreasonable adverse effects on the environment.'' 7 U.S.C. 136a(c)(1), (5); *see also* 40 CFR 152.50.

Chlorpyrifos is currently undergoing registration review, which must be completed by October 1, 2022. 7 U.S.C. 136a(g)(1)(A)(iv). For information about the ongoing registration review process for chlorpyrifos, see *https://www.regulations.gov/docket/EPA-HQ-OPP-2008-0850.*

IV. FFDCA Petition and Related Litigation

A. 2007 FFDCA Petition

In 2006, EPA issued the Registration Eligibility Decision (RED) for chlorpyrifos, which concluded that chlorpyrifos was eligible for reregistration as it continued to meet the FIFRA standard for registration. In September 2007, PANNA and NRDC submitted to EPA a petition (the Petition) seeking revocation of all chlorpyrifos tolerances under FFDCA section 408 and cancellation of all chlorpyrifos pesticide product registrations under FIFRA. (Ref. 1). That petition raised several claims regarding EPA's 2006 FIFRA reregistration decision for chlorpyrifos and the active registrations in support of the request for tolerance revocations and product cancellations. Those claims are described in detail in EPA's earlier order denying the petition (82 FR 16581, April 5, 2017) (FRL–9960–77).

B. Agency Responses and 2017 Order Denying Petition

On March 29, 2017, EPA denied the Petition in full (82 FR 16581, April 5, 2017) (FRL–9960–77). Prior to issuing that order, EPA provided the Petitioners with two interim responses on July 16, 2012 and July 15, 2014, which denied six of the Petition's claims. EPA made clear in both the 2012 and 2014 responses that, absent a request from Petitioners, EPA's denial of those six claims would not be made final until EPA finalized its response to the entire Petition. Petitioners made no such request, and EPA therefore finalized its response to those claims in the March 29, 2017 Denial Order.

As background, three of the Petition's claims all related to the same issue: Whether the potential exists for chlorpyrifos to cause neurodevelopmental effects in children

at exposure levels below EPA's existing regulatory standard (10% RBC AChE inhibition). Because the claims relating to the potential for neurodevelopmental effects in children raised novel, highly complex scientific issues, EPA originally decided it would be appropriate to address these issues in connection with the registration review of chlorpyrifos under FIFRA section 3(g) and decided to expedite that review, intending to finalize it in 2015, well in advance of the October 1, 2022 registration review deadline (Ref. 2). EPA decided as a policy matter that it would address the Petition claims raising these matters on a similar timeframe. Id. at 16583.

The complexity of these scientific issues precluded EPA from finishing its review according to EPA's original timeline, and the Petitioners brought legal action in the Ninth Circuit Court of Appeals to compel EPA to either issue an order denying the Petition or to grant the Petition by initiating the tolerance revocation process. The result of that litigation was that on August 10, 2015, the Court ordered EPA to ''issue either a proposed or final revocation rule or a full and final response to the administrative [P]etition by October 31, 2015.'' *In re Pesticide Action Network N. Am.,* 798 F.3d 809, 815 (9th Cir. 2015).

In response to that 2015 order, EPA issued a proposed rule to revoke all tolerances for chlorpyrifos on October 28, 2015 (published in the **Federal Register** on November 6, 2015 (80 FR 69080)), based on its unfinished registration review risk assessment. EPA acknowledged that it had had insufficient time to complete its drinking water assessment and its review of data addressing the potential for neurodevelopmental effects. Although EPA noted that further evaluation might enable more tailored risk mitigation, EPA was unable to conclude, based on the information before EPA at the time, that the tolerances were safe, since the aggregate exposure to chlorpyrifos exceeded safe levels.

On December 10, 2015, the Ninth Circuit issued a further order requiring EPA to take final action on its proposed revocation rule and issue its final response to the Petition by December 30, 2016. *In re Pesticide Action Network N. Am.,* 808 F.3d 402 (9th Cir. 2015). In response to EPA's request for an extension of the deadline in order to be able to fully consider the July 2016 FIFRA Scientific Advisory Panel (SAP) report regarding chlorpyrifos toxicology, the Ninth Circuit ordered EPA to complete its final action by March 31, 2017. *In re Pesticide Action Network of North America* v. *EPA,* 840 F.3d 1014 (9th Cir. 2016). Following that order, EPA published a Notice of Data Availability (NODA), seeking comment on EPA's revised risk assessment and water assessment and reopening the comment period on the proposal to revoke tolerances. (81 FR 81049, November 17, 2016) (FRL–9954–65).

On March 29, 2017, and as published in the **Federal Register** on April 5, 2017, the EPA issued an order denying the Petition (the Denial Order) (82 FR 16581). The specific responses are described in full in that Denial Order and summarized again in the Agency's denial of objections (84 FR 35555, July 24, 2019) (FRL–9997–06). EPA's Denial Order did not issue a determination concerning the safety of chlorpyrifos. Rather, EPA concluded that, despite several years of study, the science addressing neurodevelopmental effects remained unresolved and that further evaluation of the science on this issue during the remaining time for completion of registration review was warranted. EPA therefore denied the remaining Petition claims, concluding that it was not required to complete—and would not complete—the human health portion of the registration review or any associated tolerance revocation of chlorpyrifos without resolution of those issues during the ongoing FIFRA registration review of chlorpyrifos.

C. Objections and EPA's Denial of Objections

In June 2017, several public interest groups and states filed objections to the Denial Order pursuant to the procedures in FFDCA section 408(g)(2). Specifically, Earthjustice submitted objections on behalf of the following 12 public interest groups: Petitioners PANNA and NRDC, United Farm Workers, California Rural Legal Assistance Foundation, Farmworker Association of Florida, Farmworker Justice, GreenLatinos, Labor Council for Latin American Advancement, League of United Latin American Citizens, Learning Disabilities Association of America, National Hispanic Medical Association and Pineros y Campesinos Unidos del Noroeste. Another public interest group, the North Coast River Alliance, submitted separate objections. With respect to the states, New York, Washington, California, Massachusetts, Maine, Maryland, and Vermont submitted a joint set of objections (Ref. 1). The objections focused on three main topics: (1) The Objectors asserted that the FFDCA requires that EPA apply the FFDCA safety standard in reviewing any petition to revoke tolerances and that EPA's decision to deny the Petition without making a safety finding failed to apply that standard; (2) The Objectors contended that the risk assessments EPA conducted in support of the 2015 proposed rule and the 2016 Revised Human Health Risk Assessment (HHRA) demonstrated that chlorpyrifos results in unsafe drinking water exposures and adverse neurodevelopmental effects and that EPA therefore was required to issue a final rule revoking all chlorpyrifos tolerances; and (3) The Objectors claimed that EPA committed procedural error in failing to respond to comments, and they specifically pointed to comments related to neurodevelopmental effects, inhalation risk, and Dow AgroSciences' (now doing business as Corteva AgriScience) physiologically based pharmacokinetic model (PBPK model) used in EPA's 2014 and 2015 human health risk assessments, which are discussed further in Unit V.

On July 18, 2019, EPA issued a final order denying all objections to the Denial Order and thereby completing EPA's administrative denial of the Petition (the Final Order) (84 FR 35555). Again, the Final Order did not issue a determination concerning the safety of chlorpyrifos. Rather, EPA denied the objections in part on the grounds that the data concerning neurodevelopmental toxicity were not sufficiently valid, complete, and reliable to meet the petitioners' burden.

D. Judicial Challenge to Objections Denial and 2021 Ninth Circuit Order

On August 7, 2019, the Objectors (LULAC Petitioners) and States petitioned the Ninth Circuit for review of the Denial Order and the Final Order. The LULAC Petitioners and States argued that EPA was compelled to grant the 2007 Petition and revoke chlorpyrifos tolerances because (1) EPA lacked authority to maintain chlorpyrifos tolerances without an affirmative finding that chlorpyrifos is safe, (2) EPA's findings that chlorpyrifos is unsafe in the Agency's risk assessments from 2014 and 2016, compel it to revoke chlorpyrifos tolerances, and (3) The 2007 Petition provided a sufficient basis for EPA to reconsider the question of chlorpyrifos's safety and was not required to prove that a pesticide is unsafe.

On April 29, 2021, the Ninth Circuit issued its decision, finding that when EPA denied the 2007 Petition to revoke chlorpyrifos tolerances, it was essentially leaving those chlorpyrifos tolerances in effect, which, the Court noted, the FFDCA only permits if EPA has made a determination that such tolerances were safe. *League of United*

Latin Am. Citizens v. *Regan,* 996 F.3d. 673 (9th Cir. 2021). Although EPA argued that it was not compelled to reconsider its safety determination because the 2007 Petition had failed to meet the threshold requirement of providing reliable evidence that the tolerances were unsafe, the Court found that the Petition provided the necessary ''reasonable grounds,'' which triggered EPA's duty to ensure the tolerances were safe. *Id.* at 695. Since EPA's Denial Order and Final Order failed to make any safety determinations for chlorpyrifos, the Court concluded that EPA violated the FFDCA by leaving those tolerances in place without the requisite safety findings. *Id.* at 695–96. Moreover, in light of the record before the Court, including the 2016 HHRA indicating that the current chlorpyrifos tolerances are not safe, the Court found EPA's denial of the 2007 Petition to be arbitrary and capricious. *Id.* at 697. Based on the available record, the Court concluded that EPA must grant the Petition and issue a final rule modifying or revoking the tolerances under FFDCA section 408(d)(4)(A)(i). *Id.* at 701.

The Court recognized that EPA had been continuing to evaluate chlorpyrifos in registration review and had issued additional regulatory documents concerning chlorpyrifos after the record closed in the litigation, *e.g.,* the 2020 Proposed Interim Registration Review Decision and 2020 SAP, both of which are discussed in more detail in Unit V. below, and noted that such information could be relevant to a safety determination. *Id.* at 703. The Court allowed that if the new information could support a safety determination, EPA might issue a final rule modifying chlorpyrifos tolerances rather than revoking them, although the Court directed EPA to act ''immediately'' and not engage in ''further factfinding.'' *Id.* at 703. As a result, the Court ordered EPA to: (1) Grant the 2007 Petition; (2) Issue a final rule within 60 days of the issuance of the mandate that either revokes all chlorpyrifos tolerances or modifies chlorpyrifos tolerances, provided that such modification is supported by a safety finding, and (3) Modify or cancel related FIFRA registrations for food use in a timely fashion. *Id.* at 703–04. Since the mandate was issued on June 21, 2021, the deadline for issuing this final rule is August 20, 2021.

V. Chlorpyrifos Background and Regulatory History

Chlorpyrifos (0,0-diethyl-0–3,5,6-trichloro-2-pyridyl phosphorothioate) is a broad-spectrum, chlorinated organophosphate (OP) insecticide. Given the complex scientific nature of the issues reflected in this rule, EPA is alerting the reader that many of the technical terms used in this unit will be described more fully in a subsequent unit.

Chlorpyrifos, like other OP pesticides, affects the nervous system by inhibiting acetylcholinesterase (AChE), an enzyme necessary for the proper functioning of the nervous system. This can ultimately lead to signs of neurotoxicity. As discussed in more detail below, while there are data that indicate an association between chlorpyrifos and neurodevelopmental outcomes, there remains uncertainty in the dose-response relationship and the levels at which these outcomes occur. In an effort to resolve this scientific uncertainty, evaluation of toxicology and epidemiology studies of chlorpyrifos, specific to determining the appropriate regulatory endpoint, has been the focus of EPA's work on chlorpyrifos for over a decade.

Chlorpyrifos has been registered for use in the United States since 1965. Currently registered use sites include a large variety of food crops (including fruit and nut trees, many types of fruits and vegetables, and grain crops), and non-food use settings (*e.g.,* golf course turf, industrial sites, greenhouse and nursery production, sod farms, and wood products). Public health uses include aerial and ground-based fogger mosquito adulticide treatments, roach bait products, and individual fire ant mound treatments. In 2000, the chlorpyrifos registrants reached an agreement with EPA to voluntarily cancel all residential use products except those registered for ant and roach baits in child-resistant packaging and fire ant mound treatments. *See, e.g.,* 65 FR 76233, December 6, 2000) (FRL–6758–2); 66 FR 47481, September 12, 2001) (FRL–6799–7).

In 2006, EPA completed FIFRA section 4 reregistration and FFDCA tolerance reassessment for chlorpyrifos and the OP class of pesticides, concluding that the existing tolerances were safe and that chlorpyrifos continued to meet the FIFRA standard for registration. In that effort, EPA relied on RBC AChE inhibition as the endpoint for examining risk.

Subsequently, given ongoing scientific developments in the study of the OPs generally, EPA chose to prioritize the FIFRA section 3(g) registration review (the subsequent round of re-evaluation following reregistration) of chlorpyrifos and the OP class. The registration review of chlorpyrifos and the OPs has presented EPA with numerous novel scientific issues which the Agency has taken to multiple independent FIFRA SAP reviews. (*Note:* The SAP is a federal advisory committee created by FIFRA section 25(d), 7 U.S.C. 136w(d), and serves as EPA's primary source of peer review for significant regulatory and policy matters involving pesticides.)

These SAPs, which have included the review of new worker and non-occupational exposure methods, experimental toxicology and epidemiology, and the evaluation of a chlorpyrifos-specific physiologically-based pharmacokinetic-pharmacodynamic (PBPK–PD, see Unit VII. for definitions) model. These FIFRA SAP reviews have resulted in significant developments in EPA's risk assessments generally, and, more specifically, in the study of chlorpyrifos's effects. In particular, and partly in response to the issues raised in the 2007 Petition, EPA has conducted extensive reviews of available data to evaluate the possible connection between chlorpyrifos and adverse neurodevelopmental effects, and to assess whether the neurodevelopmental effects could be used to determine points of departure (PoDs) for assessing chlorpyrifos. On this particular topic, EPA has convened three FIFRA SAP reviews. EPA has taken FIFRA SAP recommendations into consideration as it has developed risk assessments and regulatory documents for chlorpyrifos. The remainder of this Unit provides a brief regulatory overview for chlorpyrifos by presenting a summary of the chronology of the FIFRA SAPs and Agency assessments of chlorpyrifos.

The 2008 FIFRA SAP evaluated the Agency's preliminary review of available literature and research on epidemiology in mothers and children following exposures to chlorpyrifos and other OPs, laboratory studies on animal behavior and cognition, AChE inhibition, and mechanisms of action. (Ref. 3) The 2008 FIFRA SAP recommended that AChE inhibition remain as the source of data for the points of departure (PoDs, see Unit VII. for definitions), but noted that despite some uncertainties, the Columbia Center for Children's Environmental Health (CCCEH) epidemiologic studies ''is epidemiologically sound'' and ''provided extremely valuable information'' for evaluating the potential neurodevelopmental effects of chlorpyrifos (Ref. 3). See Unit VI.A.2. for neurodevelopmental toxicity.

The 2010 FIFRA SAP favorably reviewed EPA's 2010 draft epidemiology framework. (Ref. 4, 5) This draft framework, titled ''Framework for Incorporating Human

Epidemiologic & Incident Data in Risk Assessments in Pesticides,'' described the use of the Bradford Hill Criteria as modified in the Mode of Action Framework to integrate epidemiology information with other lines of evidence. As suggested by the 2010 FIFRA SAP, EPA did not immediately finalize the draft framework but instead used it in several pesticide evaluations prior to making revisions and finalizing it. EPA's Office of Pesticide Program's (OPP) finalized this epidemiology framework in December 2016 (Ref. 5).

In 2011, EPA released its preliminary human health risk assessment (2011 HHRA) for the registration review of chlorpyrifos. The 2011 HHRA used 10% RBC AChE inhibition from laboratory rats as the critical effect (or PoD) for extrapolating risk. It also used the default 10X uncertainty factors for inter- and intra-species extrapolation. The 10X FQPA SF was removed with a note to the public that a weight of evidence (WOE) evaluation would be forthcoming, as described in the 2010 draft ''Framework for Incorporating Human Epidemiologic & Incident Data in Health Risk Assessment.''

In 2011, EPA convened a meeting of the FIFRA SAP to review the PBPK–PD model for chlorpyrifos. The panel made numerous recommendations for the improvement of the model for use in regulatory risk assessment, including the inclusion of dermal and inhalation routes. From 2011–2014, Dow AgroSciences, in consultation with EPA, refined the PBPK–PD model, and those refinements were sufficient to allow for use of the PBPK–PD model in the next HHRA.

In 2012, the Agency convened another meeting of the FIFRA SAP to review the latest experimental data related to RBC AChE inhibition, cholinergic and non-cholinergic adverse outcomes, including neurodevelopmental studies on behavior and cognition effects. The Agency also performed an in-depth analysis of the available chlorpyrifos biomonitoring data and of the available epidemiologic studies from three major children's health cohort studies in the United States, including those from the CCCEH, Mount Sinai, and University of California, Berkeley. The Agency explored plausible hypotheses on mode of actions/adverse outcome pathways (MOAs/AOPs) leading to neurodevelopmental outcomes seen in the biomonitoring and epidemiology studies.

The 2012 FIFRA SAP described the Agency's epidemiology review as ''very clearly written, accurate'' and ''very thorough review''. (Ref. 6 at 50–52, 53) It went further to note that it ''believes that the [Agency's] epidemiology review appropriately concludes that the studies show some consistent associations relating exposure measures to abnormal reflexes in the newborn, pervasive development disorder at 24 or 36 months, mental development at 7–9 years, and attention and behavior problems at 3 and 5 years of age. . . . .'' The 2012 FIFRA SAP concluded that the RBC AChE inhibition remained the most robust dose-response data, though expressed significant concerns about the degree to which 10% RBC AChE inhibition is protective for neurodevelopmental effects, pointing to evidence from epidemiology, *in vivo* animal studies, and *in vitro* mechanistic studies, and urged the EPA to find ways to use the CCCEH data.

In 2014, EPA released a revised human health risk assessment (2014 HHRA. (Ref. 7). The revised assessment used the chlorpyrifos PBPK–PD model for deriving human PoDs for RBC AChE inhibition, thus obviating the need for the inter-species extrapolation factor (as explained later in this Unit) and providing highly refined PoDs which accounted for gender, age, duration and route specific exposure considerations. The PBPK–PD model was also used to develop data derived intra-species factors for some lifestages. The 10X FQPA SF was retained based on the outcome of the 2012 FIFRA SAP and development of a WOE analysis on potential for neurodevelopmental outcomes according to EPA's ''Framework for Incorporating Human Epidemiologic & Incident Data in Risk Assessments for Pesticides.'' The 2014 HHRA, taken together with the Agency's drinking water assessment, identified estimated aggregate risks exceeding the level of concern for chlorpyrifos.

On November 6, 2015, EPA issued a proposed rule to revoke all tolerances of chlorpyrifos, based on the aggregate risks exceeding the level of concern (80 FR 69079) (FRL–9935–92). In this proposed rulemaking, EPA specified that it was unable to conclude that aggregate exposures from use of chlorpyrifos met the FFDCA's ''reasonable certainty of no harm'' standard due to risks identified from the drinking watering using a national-scale assessment (*i.e.,* using default values and conservative assumptions). At that time, the EPA had not completed a refined drinking water assessment (*i.e.,* a higher-tier and more resource-intensive assessment relying on more targeted inputs) or an additional analysis of the hazard of chlorpyrifos that was suggested by several commenters to the 2014 HHRA. Those commenters raised the concern that the use of 10% RBC AChE inhibition for deriving PoDs for chlorpyrifos may not provide a sufficiently health protective human health risk assessment given the potential for neurodevelopmental outcomes.

In 2015, EPA conducted additional hazard analyses using data on chlorpyrifos levels in fetal cord blood reported by the CCCEH study investigators. The Agency convened another meeting of the FIFRA SAP in April 2016 to evaluate a proposal of using cord blood data from the CCCEH epidemiology studies as the source of data for the PoDs. The 2016 SAP did not support the ''direct use'' of the cord blood and working memory data for deriving the regulatory endpoint, due in part to insufficient information about timing and magnitude of chlorpyrifos applications in relation to cord blood concentrations at the time of birth, uncertainties about the prenatal window(s) of exposure linked to reported effects, lack of a second laboratory to reproduce the analytical blood concentrations, and lack of raw data from the epidemiology study. (Ref. 8)

Despite its critiques of uncertainties in the CCCEH studies, the 2016 FIFRA SAP expressed concern that 10% RBC AChE inhibition is not sufficiently protective of human health. Specifically, the FIFRA SAP stated that it ''agrees that both epidemiology and toxicology studies suggest there is evidence for adverse health outcomes associated with chlorpyrifos exposures below levels that result in 10% RBC AChE inhibition (*i.e.,* toxicity at lower doses).'' (Id. at 18). (Ref. 8)

Taking into consideration the conclusions of the 2016 SAP, EPA issued another HHRA using a dose reconstruction approach to derive the PoD based on the neurodevelopmental effects observed in the CCCEH study. In 2016, EPA also issued a revised drinking water assessment (2016 DWA). EPA issued a Notice of Data Availability seeking public comment on the 2016 HHRA and 2016 DWA. (81 FR 81049, November 17, 2016) (FRL–9954–65).

In 2017, in response to a Ninth Circuit order, EPA denied the 2007 Petition on the grounds that ''further evaluation of the science during the remaining time for completion of registration review is warranted to achieve greater certainty as to whether the potential exists for adverse neurodevelopmental effects to occur from current human exposures to chlorpyrifos.'' (82 FR at 16583). As part of this commitment to further evaluate the science, EPA evaluated the new laboratory animal studies with results

suggesting effects on the developing brain occur at doses lower than doses that cause AChE inhibition, and concluded that they are not sufficient for setting a PoD. While EPA sought to verify the conclusions of the epidemiology studies conducted by Columbia University it has been unable to confirm the findings of the CCCEH papers or conduct alternative statistical analyses to evaluate the findings. In summary, while EPA sought to address the potential neurodevelopmental effects associated with chlorpyrifos exposure over the past decade, these efforts ultimately concluded with the lack of a suitable regulatory endpoint based on these potential effects. However, these efforts do not alleviate the Agency's concerns regarding potential neurodevelopmental effects.

In October 2020, EPA released its latest human health risk assessment (2020 HHRA) and drinking water assessment (2020 DWA). (Ref. 9 and 10) Due to the shortcomings of the data upon which the 2016 HHRA was based and the uncertainty surrounding the levels around which neurodevelopmental effects may occur, the 2020 HHRA uses the same endpoint and PoDs as those used in the 2014 HHRA (*i.e.,* the PBPK–PD model has been used to estimate exposure levels resulting in 10% RBC AChE inhibition following acute (single day, 24 hours) and steady state (21-day) exposures for a variety of exposure scenarios for chlorpyrifos and/or chlorpyrifos oxon). The 2020 HHRA retained the default 10X FQPA SF, but also presented risk estimates at a reduced 1X FQPA SF, though it did not adopt or attempt to justify use of this approach.

Then, in December 2020, as part of its FIFRA registration review, EPA issued its Proposed Interim Registration Review Decision (2020 PID) for chlorpyrifos (85 FR 78849, December 7, 2020) (FRL–10017–13). The 2020 PID was based on comparing estimates in the 2020 HHRA with the values from the 2020 DWA, and retaining the 10X FQPA safety factor, the PID proposed to limit applications of chlorpyrifos in this country would be reduced to certain uses in certain regions of the United States. The PID proposed to conclude that the Agency could make a safety finding for the approach in this path forward, as risk would be based on limited uses in limited geographic areas, as specified. This proposed path forward was intended to offer to stakeholders a way to mitigate the aggregate risk from chlorpyrifos, which the Agency had determined would exceed risk levels of concern without the proposed use restrictions.

In December 2020, EPA requested public comment on the 2020 PID, 2020 HHRA, and 2020 DWA. EPA extended the 60-day comment period by 30 days and it closed on March 7, 2021.

VI. EPA's Hazard Assessment for Chlorpyrifos

A. General Approach to Hazard Identification, Dose-Response Assessment, and Extrapolation

Any risk assessment begins with an evaluation of a chemical's inherent properties, and whether those properties have the potential to cause adverse effects (*i.e.,* a hazard identification). In evaluating toxicity or hazard, EPA reviews toxicity data, typically from studies with laboratory animals, to identify any adverse effects on the test subjects. Where available and appropriate, EPA will also take into account studies involving humans, including human epidemiological studies. The animal toxicity database for a conventional, food use pesticide usually consists of studies investigating a broad range of endpoints including potential for carcinogenicity, mutagenicity, developmental and reproductive toxicity, and neurotoxicity. These studies include gross and microscopic effects on organs and tissues, functional effects on bodily organs and systems, effects on blood parameters (such as red blood cell count, hemoglobin concentration, hematocrit, and a measure of clotting potential), effects on the concentrations of normal blood chemicals (including glucose, total cholesterol, urea nitrogen, creatinine, total protein, total bilirubin, albumin, hormones, and enzymes such as alkaline phosphatase, alanine aminotransferase and cholinesterases), and behavioral or other gross effects identified through clinical observation and measurement. EPA examines whether adverse effects are caused by different durations of exposure ranging from short-term (acute) to long-term (chronic) pesticide exposure and different routes of exposure (oral, dermal, inhalation). Further, EPA evaluates potential adverse effects in different age groups (adults as well as fetuses and juveniles). (Ref. 11 at 8–10).

Once a pesticide's potential hazards are identified, EPA determines a toxicological level of concern for evaluating the risk posed by human exposure to the pesticide. In this step of the risk assessment process, EPA essentially evaluates the levels of exposure to the pesticide at which effects might occur. An important aspect of this determination is assessing the relationship between exposure (dose) and response (often referred to as the dose-response analysis). In evaluating a chemical's dietary risks, EPA uses a reference dose (RfD) approach, which typically involves a number of considerations including:

- *A ''point of departure'' (PoD):* Typically, the PoD is the value from a dose-response curve that is at the low end of the observable data in laboratory animals and that is the toxic dose that serves as the 'starting point' in extrapolating a risk to the human population, although a PoD can also be derived from human data as well. PoDs are selected to be protective of the most sensitive adverse toxic effect for each exposure scenario, and are chosen from toxicity studies that show clearly defined No Observed Adverse Effect Levels (NOAELs) or Lowest Observed Adverse Effect Levels (LOAELs), dose-response relationships, and relationships between the chemical exposure and effect. EPA will select separate PoDs, as needed, for each expected exposure duration (*e.g.,* acute, chronic, short-term, intermediate-term) and route of exposure (*e.g.,* oral, dermal, inhalation). For chlorpyrifos, as discussed later in this Unit, EPA derived PoDs based on 10% RBC AChE inhibition.
- *Interspecies extrapolation:* Because most PoDs are derived from toxicology studies in laboratory animals, there is a need to extrapolate from animals to humans. In typical risk assessments, a default tenfold (10X) uncertainty factor is used to address the potential for a difference in toxic response between humans and animals used in toxicity tests. For chlorpyrifos, as described further below, EPA used a sophisticated model called a physiologically based pharmacokinetic-pharmacodynamic (PBPK–PD) model that accounts for differences in laboratory animals and humans, thereby obviating the need for the default interspecies factor.
- *Intraspecies extrapolation:* To address the potential for differences in sensitivity in the toxic response across the human population, EPA conducts intraspecies extrapolation. In typical risk assessments, a 10X default uncertainty factor is used. For chlorpyrifos, the PBPK–PD model used to derive PoDs also accounts for differences in metabolism and toxicity response across the human population for some age groups and some subpopulations, which allows the default factor of 10X to be refined in accordance with EPA's 2014 *Guidance for Applying Quantitative Data to Develop Data-Derived Extrapolation Factors for Interspecies and Intraspecies Extrapolation.*

• *Food Quality Protection Act safety factor (FQPA SF)):* The FFDCA section 408(b)(2)(C) instructs EPA, in making its ''reasonable certainty of no harm'' finding, that in ''the case of threshold effects, an additional tenfold margin of safety for the pesticide chemical residue and other sources of exposure shall be applied for infants and children to take into account potential pre- and post-natal toxicity and completeness of data with respect to exposure and toxicity to infants and children.'' Section 408(b)(2)(C) further states that ''the Administrator may use a different margin of safety for the pesticide chemical residue only if, on the basis of reliable data, such margin will be safe for infants and children.'' For chlorpyrifos, as discussed later in this Unit, EPA is retaining the default 10X FQPA SF.

In the human health risk assessment process, as indicated above, EPA uses the selected PoD to calculate a RfD for extrapolating risk. The RfD is calculated by dividing the selected PoD by any applicable interspecies and intraspecies factors and other relevant uncertainty factors such as LOAEL to NOAEL factor or database uncertainty factor.

After calculating the RfD, as indicated above, EPA retains an additional safety factor of 10X to protect infants and children (the FQPA safety factor), unless reliable data support selection of a different factor, as required under the FFDCA. As described in EPA's policy for determining the appropriate FQPA safety factor, this additional safety factor often overlaps with other traditional uncertainty factors (*e.g.,* LOAEL to NOAEL factor or database uncertainty factor), but it might also account for residual concerns related to pre- and postnatal toxicity or exposure. (Ref. 35 at 13–16) In implementing FFDCA section 408, EPA calculates a variant of the RfD referred to as a Population Adjusted Dose (PAD), by dividing the RfD by the FQPA SF. Risk estimates less than 100% of the PAD are safe.

B. Toxicological Effects of Chlorpyrifos

Consistent with FFDCA section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information for chlorpyrifos in support of this action. For over a decade, EPA has evaluated the scientific evidence surrounding the different health effects associated with chlorpyrifos. The Agency has conducted extensive reviews of the scientific literature on health outcomes associated with chlorpyrifos and presented approaches for evaluating and using that information to the FIFRA SAP on several occasions, as discussed above in Unit V. Chlorpyrifos has been tested in toxicological studies for the potential to cause numerous different adverse outcomes (*e.g.,* reproductive toxicity, developmental toxicity, cancer, genotoxicity, dermal toxicity, endocrine toxicity, inhalation toxicity, and immunotoxicity). The inhibition of AChE leading to cholinergic neurotoxicity and the potential for effects on the developing brain (*i.e.,* neurodevelopmental effects) are the most sensitive effects seen in the available data. (2020 HHRA p. 6). The SAP reports have rendered numerous recommendations for additional study and sometimes conflicting advice for how EPA should consider (or not consider) the data in conducting EPA's registration review human health risk assessment for chlorpyrifos.

Unit VI. discusses the Agency's assessment of the science relating to AChE inhibition and the potential for neurodevelopmental effects. Other adverse outcomes besides AChE inhibition and neurodevelopment are less sensitive and are thus not discussed in detail here. Further information concerning those effects can be found in the 2000 human health risk assessment which supported the RED and the 2011 preliminary human health risk assessment. (Ref. 12 and 13).

1. Acetylcholinesterase (AChE) Inhibition

Chlorpyrifos, like other OP pesticides, affects the nervous system by inhibiting AChE, an enzyme necessary for the proper functioning of the nervous system and ultimately leading to signs of neurotoxicity. This mode of action, in which AChE inhibition leads to neurotoxicity, is well-established, and thus has been used as basis for the PoD for OP human health risk assessments, including chlorpyrifos. This science policy is based on decades of work, which shows that AChE inhibition is the initial event in the pathway to acute cholinergic neurotoxicity.

The Agency has conducted a comprehensive review of the available data and public literature regarding this adverse effect from chlorpyrifos. (Ref. 8 at 24–25, Ref. 13 at 25–27) There are many chlorpyrifos studies evaluating RBC AChE inhibition or the brain in multiple lifestages (gestational, fetal, post-natal, and non-pregnant adult), multiple species (rat, mouse, rabbit, dog, human), methods of oral administration (oral gavage with corn oil, dietary, gavage via milk) and routes of exposure (oral, dermal, inhalation via vapor and via aerosol). In addition, chlorpyrifos is unique in the availability of AChE data from peripheral tissues in some studies (*e.g.,* heart, lung, liver). There are also literature studies comparing the *in vitro* AChE response to a variety of tissues which show similar sensitivity and intrinsic activity. Across the database, brain AChE tends to be less sensitive than RBC AChE or peripheral AChE. In oral studies, RBC AChE inhibition is generally similar in response to peripheral tissues. Thus, the *in vitro* data and oral studies combined support the continued use of RBC AChE inhibition as the critical effect for quantitative dose-response assessment.

Female rats tend to be more sensitive than males to these AChE effects. For chlorpyrifos, there are data from multiple studies which provide robust RBC AChE data in pregnant, lactating, and non-pregnant female rats from oral exposure (*e.g.,* developmental neurotoxicity (DNT), reproductive, and subchronic data).

In addition, studies are available in juvenile pups which show age-dependent differences, particularly following acute exposures, in sensitivity to chlorpyrifos and its oxon. As discussed above, this sensitivity is not derived from differences in the AChE enzyme itself but instead are derived largely from the immature metabolic clearance capacity in the juveniles.

2. Neurodevelopmental Toxicity

In addition to information on the effects of chlorpyrifos on AChE, there is an extensive body of information (in the form of laboratory animal studies, epidemiological studies, and mechanistic studies) studying the potential effects on neurodevelopment in infants and children following exposure to OPs, including chlorpyrifos.

There are numerous laboratory animal studies on chlorpyrifos in the literature that have evaluated the impact of chlorpyrifos exposure in pre- and post-natal dosing on the developing brain. These studies vary substantially in their study design, but all involve gestational and/or early postnatal dosing with behavioral evaluation from adolescence to adulthood. The data provide qualitative support for chlorpyrifos to potentially impact the developing mammalian brain with adverse outcomes in several neurological domains including cognitive, anxiety and emotion, social interactions, and neuromotor function. It is, however, important to note that there is little consistency in patterns of effects across studies. In addition, most of these studies use doses that far exceed EPA's 10% benchmark response level for RBC AChE inhibition. There are only a few studies with doses at or near the 10% brain or RBC AChE inhibition levels;

among these only studies from Carr laboratory at Mississippi State University are considered by EPA to be high quality. EPA has concluded that the laboratory animal studies on neurodevelopmental outcomes are not sufficient for quantitatively establishing a PoD. Moreover, EPA has further concluded that the laboratory animal studies do not support a conclusion that adverse neurodevelopmental outcomes are more sensitive than 10% RBC AChE inhibition. (Ref. 8 at 25–31, Ref. 9 at 88–89).

EPA evaluated numerous epidemiological studies on chlorpyrifos and other OP pesticides in accordance with the ''Framework for Incorporating Human Epidemiologic & Incident Data in Health Risk Assessment.'' (Ref. 8, 14, and 15) The most robust epidemiologic research comes from three prospective birth cohort studies. These include: (1) The Mothers and Newborn Study of North Manhattan and South Bronx performed by the Columbia Children's Center for Environmental Health (CCCEH) at Columbia University; (2) the Mount Sinai Inner-City Toxicants, Child Growth and Development Study or the ''Mt. Sinai Child Growth and Development Study;'' and (3) the Center for Health Assessment of Mothers and Children of Salinas Valley (CHAMACOS) conducted by researchers at University of California Berkeley. (Ref. 8 at 32–43).

In the case of the CCCEH study, which specifically evaluated the possible connections between chlorpyrifos levels in cord blood and neurodevelopmental outcomes on a specific cohort, there are a number of notable associations. (Ref. 8 at 36–38). Regarding infant and toddler neurodevelopment, the CCCEH authors reported statistically significant deficits of 6.5 points on the Psychomotor Development Index at three years of age when comparing high to low exposure groups. Notably, these decrements persist even after adjustment for group and individual level socioeconomic variables. These investigators also observed increased odds of mental delay and psychomotor delay at age three when comparing high to low exposure groups. The CCCEH authors also report strong, consistent evidence of a positive association for attention disorders, attention deficit hyperactivity disorder (ADHD), and pervasive development disorder (PDD) when comparing high to low chlorpyrifos exposure groups. Moreover, it was reported that for children in the CCCEH cohort at age seven for each standard deviation increase in chlorpyrifos cord blood exposure, there is a 1.4% reduction in Full-Scale IQ and a 2.8% reduction in Working Memory. In addition, the CCCEH authors evaluated the relationship between prenatal chlorpyrifos exposure and motor development/movement and reported elevated risks of arm tremor in children around 11 years of age in the CCCEH cohort.

Notwithstanding the observed associations, EPA and the 2012 and 2016 FIFRA SAPs identified multiple uncertainties in the CCCEH epidemiology studies (Ref. 6 and 8). Some of these include the relatively modest sample sizes, which limited the statistical power; exposure at one point in prenatal time with no additional information regarding postnatal exposures; representativeness of a single point exposure where time-varying exposures or the ability to define cumulative exposures would be preferable; lack of specificity of a critical window of effect and the potential for misclassification of individual exposure measures; and lack of availability of the raw data from the studies that would allow verification of study conclusions.

One of the notable uncertainties in the CCCEH epidemiology studies identified by EPA and the 2016 FIFRA SAP is the lack of specific exposure information on the timing, frequency, and magnitude of chlorpyrifos application(s) in the apartments of the women in the study. Despite extensive effort by EPA to obtain or infer this exposure information from various sources, the lack of specific exposure data remains a critical uncertainty. EPA made efforts in 2014 and 2016 to develop dose reconstruction of the exposures to these women. These dose reconstruction activities represent the best available information and tools but are highly uncertain. In addition, the pregnant women and children in the CCCEH studies were exposed to multiple chemicals, including multiple potent AChE inhibiting OPs and *N*-methyl carbamates. Moreover, using EPA's dose reconstruction methods from 2014 suggest that the pregnant women likely did not exhibit RBC AChE inhibition above 10%. The 2012 and 2016 FIFRA SAP reports expressed concern that it is likely that the CCCEH findings occurred at exposure levels below those that result in 10% RBC AChE inhibition (Ref. 6 and 8). However, given the available CCCEH exposure information and the exposures to multiple potent AChE inhibiting pesticides, EPA cannot definitively conclude the level of AChE inhibition. EPA remains unable to make a causal linkage between chlorpyrifos exposure and the outcomes reported by CCCEH investigators. (Ref. 8) Moreover, given the uncertainties, particularly in the exposure information available from CCCEH (single timepoints, lack of time varying exposure, lack of knowledge about application timing), uncertainties remain about the dose-response relationships from the epidemiology studies.

Finally, there are several lines of evidence for actions of chlorpyrifos distinct from the classical mode of action of AChE inhibition. This information has been generated from model systems representing different levels of biological organization and provide support for molecular initiating events (binding to the morphogenic site of AChE, muscarinic receptors, or tubulin), cellular responses (alterations in neuronal proliferation, differentiation, neurite growth, or intracellular signaling), and responses at the level of the intact nervous system (serotonergic tone, axonal transport). Among the many *in vitro* studies on endpoints relevant to the developing brain available for chlorpyrifos, only three have identified outcomes in picomole concentrations, including concentrations lower than those that elicit AChE inhibition *in vitro.* However, as is the case for many other developmental neurotoxicants, most of these studies have not been designed with the specific goal of construction or testing an adverse outcome pathway. Thus, there are not sufficient data available to test rigorously the causal relationship between effects of chlorpyrifos at the different levels of biological organization in the nervous system. (Ref. 8 at 27–31)

Due to the complexity of nervous system development involving the interplay of many different cell types and developmental timelines, it is generally accepted that no single *in vitro* screening assay can recapitulate all the critical processes of neurodevelopment. As a result, there has been an international effort to develop a battery of new approach methodologies (NAMs) to inform the DNT potential for individual chemicals. This DNT NAM battery is comprised of *in vitro* assays that assess critical processes of neurodevelopment, including neural network formation and function, cell proliferation, apoptosis, neurite outgrowth, synaptogenesis, migration, and differentiation. In combination the assays in this battery provide a mechanistic understanding of the underlying biological processes that may be vulnerable to chemically-induced disruption. It is noteworthy, however, that to date the quantitative relationship between alterations in these

neurodevelopmental processes and adverse health outcomes has not been fully elucidated. Moreover, additional assays evaluating other critical neurodevelopmental processes such as myelination are still being developed (Ref. 15).

In September 2020, EPA convened a FIFRA SAP on developing and implementing NAMs using methods such as *in vitro* techniques and computational approaches. Included in that consideration was use of the DNT NAM battery to evaluate OP compounds as a case study. These methods presented to the 2020 FIFRA SAP provide a more systematic approach to evaluating pharmacodynamic effects on the developing brain compared to the existing literature studies. Initial data from the NAM battery were presented to the SAP for 27 OP compounds, including chlorpyrifos and its metabolite, chlorpyrifos oxon, and, when possible, compared to *in vivo* results (by using *in vitro* to *in vivo* extrapolation). On December 21, 2020, the SAP released its final report and recommendations on EPA's proposed use of the NAMs data. (Ref. 16). The advice of the SAP is currently being taken into consideration as EPA develops a path forward on NAMs, but analysis and implementation of NAMs for risk assessment of chlorpyrifos is in progress and was unable to be completed in time for use in this rulemaking. The Agency is continuing to explore the use of NAMs for the OPs, including chlorpyrifos, and intends to make its findings available as soon as it completes this work.

C. Hazard Identification: Using AChE as the Toxicological Endpoint for Deriving PADs

The RED for chlorpyrifos was completed in 2006 and relied on RBC AChE inhibition results from laboratory animals to derive PoDs and retained the FQPA 10X safety factor due to concerns over age-related sensitivity and uncertainty associated with potential neurodevelopmental effects observed in laboratory animals. Based on a review of all the studies (guideline data required, peer reviewed literature, mechanistic), AChE inhibition remains the most robust quantitative dose-response data and thus continues to be the critical effect for the quantitative risk assessment. This approach is consistent with the advice of the SAP from 2008 and 2012. The Agency typically uses a 10% response level for AChE inhibition in human health risk assessments. This response level is consistent with the 2006 OP cumulative risk assessment and other single chemical OP risk assessments. (Ref. 17 and 18).

In response to the 2015 proposed rule to revoke chlorpyrifos tolerances, as noted above, the Agency received some comments raising a concern that the use of the 10% AChE inhibition may not be sufficiently health protective. Taking those comments into consideration, EPA conducted an additional hazard analysis and convened the 2016 FIFRA SAP to evaluate a proposal of using cord blood data from the CCCEH epidemiology studies as the source of data for PoDs. The 2016 FIFRA SAP did not support the ''direct use'' of the cord blood and working memory data for deriving the regulatory endpoint, due to insufficient information about timing and magnitude of chlorpyrifos applications in relation to cord blood concentrations at the time of birth, uncertainties about the prenatal window(s) of exposure linked to reported effects, and lack of a second laboratory to reproduce the analytical blood concentrations. (Ref. 8) Despite their critiques regarding uncertainties in the CCCEH studies, the 2016 SAP expressed concern that 10% RBC AChE inhibition is not sufficiently protective of human health.

The 2016 FIFRA SAP, however, did present an alternative approach for EPA to consider. First, it is important to note that this SAP was supportive of the EPA's use of the PBPK–PD model as a tool for assessing internal dosimetry from typical OPP exposure scenarios. Use of the PBPK–PD model coupled with typical exposure scenarios provides the strongest scientific foundation for chlorpyrifos human health risk assessment. Given that the window(s) of susceptibility are currently not known for the observed neurodevelopmental effects, and the uncertainties associated with quantitatively interpreting the CCCEH cord blood data, this SAP recommended that the Agency use a time weighted average (TWA) blood concentration of chlorpyrifos for the CCCEH study cohort as the PoD for risk assessment. Thus, in 2016 EPA attempted, using the PBPK–PD model, to determine the TWA blood level expected from post-application exposures from the chlorpyrifos indoor crack-and-crevice use scenario. Despite that effort, EPA's position is that the shortcomings of the data with regard to the dose-response relationship and lack of exposure information discussed above, continue to raise issues that make quantitative use of the CCCEH data in risk assessment not scientifically sound.

Thus, taking into consideration the robustness of the available data at this time, EPA has determined that the most appropriate toxicological endpoint for deriving points of departure for assessing risks of chlorpyrifos is 10% RBC AChE inhibition. The Agency is not ignoring or dismissing the extensive data concerning the potential for adverse neurodevelopmental outcomes, however. As discussed later in this Unit, the Agency is addressing the uncertainties surrounding the potential for adverse neurodevelopmental outcomes by retaining the default 10X FQPA safety factor.

1. Durations of Exposure

As noted in Unit VI.A., EPA establishes PoDs for each expected exposure duration likely to result from pesticide exposure. For chlorpyrifos, exposure can occur from a single event or on a single day (*e.g.,* eating a meal) or from repeated days of exposure (*e.g.,* residential). With respect to AChE inhibition, effects can occur from a single exposure or from repeated exposures. For OPs, repeated exposures generally result in more AChE inhibition at a given administered dose compared to acute exposures. Moreover, AChE inhibition in repeated dosing guideline toxicology studies with most OPs show a consistent pattern of inhibition reaching a ''steady state'' of inhibition at or around 2–3 weeks of exposure in adult laboratory animals (Ref. 19). This pattern observed with repeated dosing is a result of the amount of inhibition coming to equilibrium with production of new enzyme. As such, AChE studies of 2–3 weeks generally show the same degree of inhibition with those of longer duration (*i.e.,* up to 2 years of exposure). Thus, for most of the human health risk assessments for the OPs, the Agency is focusing on the critical durations ranging from a single day up to 21 days (*i.e.,* the approximate time to reach steady state for most OPs). As such, EPA has calculated PoDs for the acute and steady-state durations. As described below, these PoDs have been derived for various lifestages, routes, and exposure scenarios.

2. Deriving PODs, Inter- and Intra-Species Extrapolation: Use of the PBPK Model

The process for developing RfDs and PADs typically involves first deriving PoDs directly from laboratory animal studies, followed by dividing the PoD by the default uncertainty factors of 10X for interspecies extrapolation and intraspecies extrapolation, and the FQPA safety factor. For chlorpyrifos, as discussed previously in Unit V, there is a sophisticated PBPK–PD model available for chlorpyrifos. Numerous

Federal Advisory Committees and external review panels have encouraged the use of such a modeling approach to reduce inherent uncertainty in the risk assessment and facilitate more scientifically sound extrapolations across studies, species, routes, and dose levels. The PBPK–PD model for chlorpyrifos has undergone extensive peer review by various individual or groups, including the FIFRA SAPs. Significant improvements have been made to the model over the years in response to recommendations from the 2008, 2011, and 2012 FIFRA SAPs and comments from both internal and external peer reviewers. (Ref. 9 at 20). As a result, EPA has concluded that the current PBPK–PD model is sufficiently robust and is using it for deriving PoDs for chlorpyrifos.

a. Derivation of PoDs

As noted above, the PoDs for chlorpyrifos are based on the levels at which 10% RBC AChE inhibition is observed. The PBPK–PD model accounts for pharmacokinetic and pharmacodynamic characteristics to derive age-, duration-, and route-specific PoDs. Separate PoDs have been calculated for dietary (food, drinking water) and residential exposures by varying inputs on types of exposures and populations exposed. Specifically, the following characteristics have been evaluated: Duration [24-hour (acute), 21-day (steady state)]; route (dermal, oral, inhalation); body weights which vary by lifestage; exposure duration (hours per day, days per week); and exposure frequency [events per day (eating, drinking)]. For each exposure scenario, the appropriate body weight for each age group or sex was modeled as identified from the Exposure Factors Handbook (Ref. 21) for residential exposures and from the U.S. Department of Agriculture's (USDA) National Health and Nutrition Examination Survey (NHANES)/What We Eat in America (WWEIA) Survey for dietary exposures.

Within the PBPK–PD model, the Agency evaluated the following exposure scenarios: Oxon (chlorpyrifos metabolite) exposures via drinking water (acute and steady-state exposures for infants, children, youths, and female adults); chlorpyrifos exposures via food (acute and steady-state exposures for infants, children, youths, and female adults); steady-state residential exposures to chlorpyrifos via skin for children, youths, and female adults; steady-state residential exposures to chlorpyrifos via hand-to-mouth ingestion for children 1–2 years old; steady-state residential exposures to chlorpyrifos via inhalation for children 1–2 years old and female adults. (Ref. 9 at 22–25).

Steady-state dietary exposure was estimated daily for 21 days. For drinking water exposure, infants and young childrens (infants <1 year old, children between 1–2 years old, and children between 6–12 years old) were assumed to consume water 6 times per day, with a total consumption volume of 0.69 L/day. For youths and female adults, they were assumed to consume water 4 times per day, with a total consumption volume of 1.71 L/day.

For all residential dermal exposures to chlorpyrifos the dermal PoDs were estimated assuming 50% of the skin's surface was exposed. Exposure times for dermal exposure assessment were consistent with those recommended in the 2012 Residential Standard Operating Procedures (SOPs) (Ref. 18). For residential inhalation exposures following public health mosquitocide application, the exposure duration was set to 1 hour per day for 21 days. The incidental oral PoDs for children 1 to <2 years old for other turf activities were estimated assuming that there were six events, 15 minutes apart, per day.

The PBPK-modeled PoDs derived for the various lifestages, routes, and exposure scenarios discussed above, can be found in Table 4.2.2.1.2 of the 2020 HHRA (Ref 8).

b. Inter-Species Extrapolation

As indicated above, the PBPK–PD model directly predicts human PoDs based on human physiology and biochemistry, and thus there is no need for an inter-species uncertainty factor to extrapolate from animal PoDs.

c. Intra-Species Extrapolation

The PBPK–PD model can account for variability of critical physiological, pharmacokinetic, and pharmacodynamic parameters in a population to estimate, using the Monte Carlo analysis, the distribution of doses that result in 10% RBC AChE inhibition. Therefore, Data-Derived Extrapolation Factors (DDEF) for intra-species extrapolation have been estimated to replace the default intra-species uncertainty factor for some groups (Ref. 22).

According to EPA's DDEF guidance (Ref. 22), when calculating a DDEF intra-species extrapolation factor, administered doses leading to the response level of interest (in the case of chlorpyrifos, the 10% change in RBC AChE inhibition) are compared between a measure of average response and response at the tail of the distribution representing sensitive individuals. The tail of the distribution may be selected at the 95th, 97.5th, and 99th percentile.

As to chlorpyrifos, the 99th percentile was used in risk assessment to provide the most conservative measure (Ref. 7). In addition to estimating DDEF using the above approach for specific age groups, intra-species DDEF was also calculated by comparing between average responses between adults and 6-month old infants. For the 2020 HHRA, the largest calculated DDEFs, 4X for chlorpyrifos and 5X for the oxon metabolite, were used for intraspecies extrapolation for all groups except women of childbearing age. There was a slightly higher variability between adults and infants when considering the distributions for the oxon metabolite, thus, the slightly higher intra-species factor. For women of childbearing age, the Agency is applying the standard 10X intra-species extrapolation factor due to limitations in the PBPK–PD model to account for physiological, anatomical, and biochemical changes associated with pregnancy. (Ref. 9 at 21–22).

d. Summarizing the PoDs, Inter- and Intra-Species Extrapolation Factors

In summary, for assessing the risks from exposure to chlorpyrifos, the human PBPK–PD model has been used to derive PoDs based on 10% RBC AChE inhibition for various populations, durations, and routes. The model, which calculates a human PoD directly, obviates the need for an interspecies extrapolation factor since animal data are not used. To account for variations in sensitivities, the Agency has determined that an intra-species factor of 4X for chlorpyrifos and 5X for the oxon is appropriate for all groups except women of childbearing age. For women of childbearing age, the typical 10X intra-species factor is being applied, due the lack of appropriate information and algorithms to characterize physiological changes during pregnancy.

3. FQPA Safety Factor

As noted above, the FFDCA requires EPA, in making its ''reasonable certainty of no harm'' finding, that in ''the case of threshold effects, an additional tenfold margin of safety for the pesticide chemical residue and other sources of exposure shall be applied for infants and children to take into account potential pre- and postnatal toxicity and completeness of data with respect to exposure and toxicity to infants and children.'' 21 U.S.C. 346A(b)(2)(C). Section 408(b)(2)(C) further states that ''the Administrator may use a different margin of safety for the pesticide chemical residue only if, on the basis of

reliable data, such margin will be safe for infants and children.''

In applying the FQPA safety factor provision, EPA has interpreted it as imposing a presumption in favor of retaining it as an additional 10X safety factor. (Ref. 5 at 4, 11). Thus, EPA generally refers to the 10X factor as a presumptive or default 10X factor. EPA has also made clear, however, that this presumption or default in favor of the 10X is only a presumption. The presumption can be overcome if reliable data demonstrate that a different factor is safe for children. (Id.). In determining whether a different factor is safe for children, EPA focuses on the three factors listed in FFDCA section 408(b)(2)(C)—the completeness of the toxicity database, the completeness of the exposure database, and potential pre- and post-natal toxicity. In examining these factors, EPA strives to make sure that its choice of a safety factor, based on a weight-of-the-evidence evaluation, does not understate the risk to children. (Id. at 24–25, 35).

EPA's 2020 HHRA assessed the potential risks from exposures to chlorpyrifos in two ways—with one scenario being the retention of the default 10X FQPA SF, and the other scenario being the reduction of the FQPA SF to 1X. The purpose of using both values was to provide an indication of what the potential risk estimates would be under either scenario. The 2020 document, however, retained the 10X and did not adopt or offer support for reducing to 1X. To reduce the FQPA safety factor to 1X, the FFDCA requires that EPA determine that reliable data demonstrate that the 1X would be safe for infants and children. The 2020 document did not make that determination. For chlorpyrifos, of the three factors mentioned in the previous paragraph, the primary factor that undercuts a determination that a different safety factor would be safe for children is the uncertainty around the potential for pre- and post-natal toxicity for infants and children in the area of neurodevelopmental outcomes.

Based on the weight of the evidence concerning the potential for neurodevelopmental outcomes as discussed in Unit VI.B.2. above, there is ample qualitative evidence of a potential effect on the developing brain; however, there remains uncertainty around the levels at which these potential neurodevelopmental outcomes occur. Although the laboratory animal studies do not support a conclusion that neurodevelopmental outcomes are more sensitive than AChE inhibition, the mechanistic data are, at this time, incomplete in their characterization of dose-response. This conclusion may be further evaluated upon EPA's completion of the review of the 2020 FIFRA SAP report concerning NAMs; however, due to the time constraints of this rule, EPA has not been able to include that information in the current assessment of chlorpyrifos. Finally, while the epidemiology data indicates an association between chlorpyrifos and adverse neurodevelopmental outcomes, there remains some uncertainty in the dose-response relationship. As such, because the data available at this time indicate remaining uncertainties concerning pre- and post-natal toxicity due to insufficient clarity on the levels at which these outcomes occur, the Agency is unable to conclude, at this time, that a different safety factor would be safe for infants and children; thus, the Agency is retaining the default 10X FQPA safety factor.

4. Total Uncertainty Factors and PADs

In conclusion, the Agency used a total uncertainty factor of 100X for determining the food and drinking water PADs for females of childbearing age (1X interspecies factor, 10X intra-species factor, and 10X FQPA safety factor); 40X for determining the food PADs for remaining populations (1X interspecies factor, 4X intra-species factor, and 10X FQPA safety factor); and 50X for determining the PADs for drinking water for remaining populations (1X interspecies factor, 5X intra-species factor, and 10X FQPA safety factor).

Taking into consideration the PoDs, intra-species extrapolation factors, and FQPA safety factor, the Agency calculated acute PADs (aPADs) and steady state PADs (ssPADs) for infants (less than 1 year old), children (1 to 2 years old), children (6 to 12 years old), youths (13 to 19 years old), and females (13–49 years old); these subpopulations will be protective of other subpopulations. (Ref. 9 at 30–32.) Values may be found in table 5.0.1 in the 2020 HHRA.

VII. EPA's Exposure Assessment for Chlorpyrifos

Risk is a function of both hazard and exposure. Thus, equally important to the risk assessment process as determining the hazards posed by a pesticide and the toxicological endpoints for those hazards is estimating human exposure. Under FFDCA section 408, EPA must evaluate the aggregate exposure to a pesticide chemical residue. This means that EPA is concerned not only with exposure to pesticide residues in food but also exposure resulting from pesticide contamination of drinking water supplies and from use of pesticides in the home or other non-occupational settings. (See 21 U.S.C. 346a(b)(2)(D)(vi)).

Pursuant to FFDCA section 408(b), EPA has evaluated chlorpyrifos's risks based on ''aggregate exposure'' to chlorpyrifos. By ''aggregate exposure,'' EPA is referring to exposure to chlorpyrifos by multiple pathways of exposure, *i.e.,* food, drinking water, and residential. EPA uses available data and standard analytical methods, together with assumptions designed to be protective of public health, to produce separate estimates of exposure for a highly exposed subgroup of the general population, for each potential pathway and route of exposure.

The following reflect a summary of the Agency's exposure assessment from the 2020 HHRA unless otherwise specified. (Ref. 10).

A. Exposure From Food

1. General Approach for Estimating Food Exposures

There are two critical variables in estimating exposure in food: (1) The types and amount of food that is consumed; and (2) The residue level in that food. Consumption is estimated by EPA based on scientific surveys of individuals' food consumption in the United States conducted by the U.S. Department of Agriculture (USDA), (Ref. 11 at 12). Information on residue values can come from a range of sources including crop field trials; data on pesticide reduction (or concentration) due to processing, cooking, and other practices; information on the extent of usage of the pesticide; and monitoring of the food supply. (Id. at 17).

Data on the residues of chlorpyrifos in foods are available from both field trial data and monitoring data, primarily the USDA's Pesticide Data Program (PDP) monitoring data. Monitoring data generally provide a characterization of pesticide residues in or on foods consumed by the U.S. population that closely approximates real world exposures because they are sampled closer to the point of consumption in the chain of commerce than field trial data, which are generated to establish the maximum level of legal residues that could result from maximum permissible use of the pesticide immediately after harvest.

EPA uses a computer program known as the Dietary Exposure Evaluation Model and Calendex software with the Food Commodity Intake Database

(DEEM–FCID version 3.16/Calendex) to estimate exposure by combining data on human consumption amounts with residue values in food commodities. The model incorporates 2003–2008 consumption data from USDA's NHANES/WWEIA. The data are based on the reported consumption of more than 20,000 individuals over two non-consecutive survey days. Foods ''as consumed'' (*e.g.,* apple pie) are linked to EPA-defined food commodities (*e.g.,* apples, peeled fruit—cooked; fresh or N/S (Not Specified); baked; or wheat flour—cooked; fresh or N/S, baked) using publicly available recipe translation files developed jointly by USDA Agricultural Research Service (ARS) and EPA. For chronic exposure assessment (or in the case of chlorpyrifos, for steady-state exposure assessment), consumption data are averaged for the entire U.S. population and within population subgroups; however, for acute exposure assessment, consumption data are retained as individual consumption events. Using this consumption information and residue data, the exposure estimates are calculated for the general U.S. population and specific subgroups based on age, sex, ethnicity, and region.

For chlorpyrifos, EPA determined that acute and steady-state exposure durations were relevant for assessing risk from food consumption. EPA calculates potential risk by using probabilistic techniques to combine distributions of potential exposures in sentinel populations. The resulting probabilistic assessments present a range of dietary exposure/risk estimates.

Because probabilistic assessments generally present a realistic range of residue values to which the population may be exposed, EPA's starting point for estimating exposure and risk for such assessments is the 99.9th percentile of the population under evaluation. When using a probabilistic method of estimating acute dietary exposure, EPA typically assumes that, when the 99.9th percentile of acute exposure is equal to or less than the aPAD, the level of concern for acute risk has not been exceeded. By contrast, where the analysis indicates that estimated exposure at the 99.9th percentile exceeds the aPAD, EPA would generally conduct one or more sensitivity analyses to determine the extent to which the estimated exposures at the high-end percentiles may be affected by unusually high food consumption or residue values. (The same assumptions apply to estimates for steady state dietary exposure and the ssPAD.) To the extent that one or a few values seem to ''drive'' the exposure estimates at the high-end of exposure, EPA would consider whether these values are reasonable and should be used as the primary basis for regulatory decision making (Ref. 20).

2. Estimating Chlorpyrifos Exposures in Food

The residue of concern, for tolerance expression and risk assessment, in plants (food and feed) and livestock commodities is the parent compound chlorpyrifos. EPA has determined that the metabolite chlorpyrifos oxon is not a residue of concern in food or feed, based on available field trial data and metabolism studies that indicate that the oxon is not present in the edible portions of the crops. In addition, the chlorpyrifos oxon is not found on samples in the USDA PDP monitoring data. Furthermore, the oxon metabolite was not found in milk or livestock tissues (Ref. 9 at 33).

Acute and steady-state dietary (food only) exposure analyses for chlorpyrifos were conducted using the DEEM–FCID version 3.16/Calendex software (Ref. 23). These analyses were performed for the purpose of obtaining food exposure values for comparison to the chlorpyrifos doses predicted by the PBPK–PD model to cause RBC AChE Inhibition. The acute and steady-state dietary (food only) exposure analyses do not include drinking water exposures, which were assessed separately, see Unit VII.B.2.

Both the acute and steady state dietary exposure analyses are highly refined. The large majority of food residues used were based upon PDP monitoring data except in a few instances where no appropriate PDP data were available. In those cases, field trial data or tolerance level residues were assumed. EPA also used food processing factors from submitted studies as appropriate. In addition, EPA's acute and steady state dietary exposure assessments used percent crop treated (PCT) information. (Ref. 23)

The chlorpyrifos acute dietary exposure analysis was conducted using the DEEM–FCID, version 3.16, which incorporates 2003–2008 survey consumption data from USDA's NHANES/WWEIA. The acute risk estimates were presented for the sentinel populations for infants (less than 1 yr old); children (1–2 years old); youths (6–12 years old); and adults (females 13–49 years old). The assessment of these index lifestages is protective of other population subgroups.

The chlorpyrifos steady-state dietary exposure analysis was conducted using the Calendex component of DEEM–FCID (with 2003–2008 survey consumption data from USDA's NHANES/WWEIA). Calendex provides a focus detailed profile of potential exposures to individuals across a calendar year. A calendar-based approach provides the ability to estimate daily exposures from multiple sources over time to an individual and is in keeping with two key tenets of aggregate risk assessment: (1) That exposures when aggregated are internally consistent and realistic; and (2) that appropriate temporal and geographic linkages or correlations/associations between exposure scenarios are maintained.

The chlorpyrifos steady state assessment considers the potential risk from a 21-day exposure duration using a 3-week rolling average (sliding by day) across the year. For this assessment, the same food residue values used in the acute assessment were used for the 21-day duration. In the Calendex software, one diary for each individual in the WWEIA is selected to be paired with a randomly selected set of residue values for each food consumed. The steady-state analysis calculated exposures for the sentinel populations for infants (less than 1 year old); children (1–2 years old); youths (6–12 years old); and adults (females 13–49 years old). The assessment of these index lifestages is protective of other population subgroups.

B. Exposure From Drinking Water

1. General Approach for Assessing Exposure From Drinking Water

a. Modeling and Monitoring Data

Monitoring and modeling are both important tools for estimating pesticide concentrations in water and can provide different types of information. Monitoring data can provide estimates of pesticide concentrations in water that are representative of the specific agricultural or residential pesticide practices in specific locations, under the environmental conditions associated with a sampling design (*i.e.,* the locations of sampling, the times of the year samples were taken, and the frequency by which samples were collected). Although monitoring data can provide a direct measure of the concentration of a pesticide in water, it does not always provide a reliable basis for estimating spatial and temporal variability in exposures because sampling may not occur in areas with the highest pesticide use, and/or when the pesticides are being used and/or at an appropriate sampling frequency to detect high concentrations of a pesticide that occur over the period of a day to several days.

Because of the limitations in most monitoring studies, EPA's standard approach is to use water exposure models as the primary means to estimate pesticide exposure levels in drinking water. Modeling is a useful tool for characterizing vulnerable sites and can be used to estimate upper-end pesticide water concentrations from infrequent, large rain events. EPA's computer models use detailed information on soil properties, crop characteristics, and weather patterns to estimate water concentrations in vulnerable locations where the pesticide could be used according to its label (Ref. 24 at 27–28). EPA's models calculate estimated water concentrations of pesticides using laboratory data that describe how fast the pesticide breaks down to other chemicals and how it moves in the environment at these vulnerable locations. The modeling provides an estimate of pesticide concentrations in ground water and surface water. Depending on the modeling algorithm (*e.g.,* surface water modeling scenarios), daily concentrations can be estimated continuously over long periods of time, and for places that are of most interest for any particular pesticide.

EPA relies on models it has developed for estimating pesticide concentrations in both surface water and groundwater. The most common model used to conduct drinking water assessments is the Pesticide in Water Calculator (PWC). PWC couples the Pesticide Root Zone Model (PRZM) and Variable Volume Water Model (VVWM) models together to simulate pesticide fate and transport from the field of application to an adjacent reservoir. (Ref. 24 at 27–28). The PWC estimates pesticide concentrations for an index reservoir that is modeled for site-specific scenarios (*i.e.,* weather and soil data) in different areas of the country. A detailed description of the models routinely used for exposure assessment is available from the EPA OPP Aquatic Models website: *https://www.epa.gov/pesticide-science-and-assessing-pesticide-risks/models-pesticide-risk-assessment#aquatic.*

In modeling potential surface water concentrations, EPA attempts to model areas of the country that are vulnerable to surface water contamination rather than simply model ''typical'' concentrations occurring across the nation. Consequently, EPA models exposures occurring in small highly agricultural watersheds in different growing areas throughout the country, over a 30-year period. The scenarios are designed to capture residue levels in drinking water from reservoirs with small watersheds with a large percentage of land use in agricultural production. EPA believes these assessments are likely reflective of a small subset of the watersheds across the country that maintain drinking water reservoirs, representing a drinking water source generally considered to be more vulnerable to frequent high concentrations of pesticides than most locations that could be used for crop production.

When monitoring data meet certain data quantity criteria, EPA has tools available to quantify the uncertainty in available monitoring data such that it can be used quantitively to estimate pesticide concentrations in drinking water. (Ref. 25) Furthermore, monitoring data can be used in a weight of evidence approach with model estimated concentrations to increase confidence in the conclusions of a drinking water assessment.

b. Drinking Water Level of Comparison (DWLOC)

The drinking water level of comparison (DWLOC) is a benchmark that can be used to guide refinements of the drinking water assessment (DWA). This value relates to the concept of the ''risk cup,'' which EPA developed to facilitate risk refinement when considering aggregate human health risk to a pesticide. (Ref. 26). The risk cup is the total exposure allowed for a pesticide considering its toxicity and required safety factors. The risk cup is equal to the maximum safe exposure for the duration and population being considered. Exposures exceeding the risk cup are of potential concern. There are risk cups for each pertinent duration of exposure (*e.g.,* acute, short-term, chronic). The exposure durations most commonly of interest for acute or short-term pesticide exposure risk assessments are 1-day, 4-day, and 21-day averages. For example, the relevant exposure duration for AChE reversible inhibition from exposure to carbamate insecticides is 1-day, while AChE irreversible inhibition resulting from exposure to OP insecticides is usually 21-days based on steady-state kinetics. (Ref. 19)

In practice, EPA calculates the total exposure from food consumption and residential (or other non-occupational) exposures and subtracts this value from the maximum safe exposure level. The resulting value is the allowable remaining exposure without the potential for adverse health effect. Knowing this allowable remaining exposure and the water consumption for each population subgroup (*e.g.,* infants), the Agency can calculate the DWLOC, which is the estimate of safe concentrations of pesticides in drinking water. Using this process of DWLOC calculation allows EPA to determine a target maximum safe drinking water concentration, thereby identifying instances where drinking water estimates require refinement. (Ref. 24 at 19–20).

c. Scale of Drinking Water Assessment

Although food is distributed nationally, and residue values are therefore not expected to vary substantially throughout the country, drinking water is locally derived and concentrations of pesticides in source water fluctuate over time and location for a variety of reasons. Pesticide residues in water fluctuate daily, seasonally, and yearly because of the timing of the pesticide application, the vulnerability of the water supply to pesticide loading through runoff, spray drift and/or leaching, and changes in the weather. Concentrations are also affected by the method of application, the location, and characteristics of the sites where a pesticide is used, the climate, and the type and degree of pest pressure, which influences the application timing, rate used, and number of treatments in a crop production cycle.

EPA may conduct a drinking water assessment (DWA) for a national scale depending on the pesticide use under evaluation. A national scale DWA may use a single upper-end pesticide concentration as a starting point for assessing whether additional refinements are needed or estimated pesticide concentrations for certain site-specific scenarios that are associated with locations in the United States vulnerable to pesticide contamination based on pesticide use patterns. (Ref. 24 at 22.)

EPA may also conduct a regional scale DWA to focus on areas where pesticide concentrations may be higher than the DWLOC. Under this assessment, EPA estimates pesticide concentrations across different regions in the United States that are subdivided into different areas called hydrologic units (HUCs). There are 21 HUC 2 regions with 18 in the contiguous United States. These areas contain either the drainage area of a major river or a combined drainage of a series of rivers. This information can eb found at: *https://water.usgs.gov/GIS/huc.html.* Estimated pesticide concentrations under this approach would be associated with a vulnerable pesticide use area somewhere within the evaluated region. (Ref. 24 at 23).

d. Drinking Water Refinements

EPA has defined four assessment tiers for drinking water assessments. Lower tiered assessments are more conservative based on the defaults or upper bound assumptions and may compound conservatisms, while higher tiers integrate more available data and provide more realistic estimates of environmental pesticide concentrations.

These four tiers are generally based on the level of effort, the amount of data considered, the spatial scale, and the certainty in the estimated pesticide concentration. Tier 1 requires the least amount of effort and the least amount of data, whereas Tier 4 is resource intensive, considers a wide range of sources and types of data, and is spatially explicit, resulting in high confidence in the reported pesticide concentration. Each successive tier integrates more focused pesticide, spatial, temporal, agronomic, and crop-specific information. The order in which refinements are considered (*i.e.,* the order in which the assessment is refined) is pesticide-specific and depends on the nature and quality of the available data used to support the refinement. Additional information on the conduct of drinking water assessments can be found in the ''Framework for Conducting Pesticide Drinking Water Assessment for Surface Water'' (USEPA, 2020).

As discussed in the Framework document, EPA can incorporate several refinements in higher tiered modeling. Two such refinements are the percent cropped area (PCA) and the percent crop treated (PCT). These are described in the recently completed document titled ''*Integrating a Distributional Approach to Using Percent Crop Area (PCA) and Percent Crop Treated (PCT) into Drinking Water Assessment*'' (Ref. 27) The PCA refers to the amount of area in a particular community water system that is planted with the crop of interest (*e.g.,* the default assumption is that the entire watershed is planted with a crop of interest). The PCT refers to the amount of the cropped area that is treated with the pesticide of interest (*e.g.,* the default is that the entire cropped area is treated with the pesticide of interest). With additional use and usage data, EPA can refine assumptions about the application rate and PCT for use in modeling to generate estimated drinking water concentrations (EDWCs) that are appropriate for human health risk assessment and more accurately account for the contribution from individual use patterns in the estimation of drinking water concentrations.

2. Drinking Water Assessment for Chlorpyrifos.

For the chlorpyrifos drinking water assessment, the metabolite chlorpyrifos oxon, which forms because of drinking water treatment and is more toxic than chlorpyrifos, was chosen as the residue of concern. (Ref. 28 and 29) The range of conversion from parent to oxon depends upon the type of water treatment and other conditions. Based on available information regarding the potential effects of certain water treatments (*e.g.,* chlorination appears to hasten transformation of chlorpyrifos to chlorpyrifos oxon), EPA assumed that all chlorpyrifos in source water is converted to chlorpyrifos oxon upon treatment.

The Agency used a DWLOC approach for assessing aggregate risk from chlorpyrifos. As such, EPA calculated DWLOCs for different age groups for both the acute aggregate assessment and the steady-state aggregate assessment, taking into consideration the food and residential contributions to the risk cup. These numbers were provided as a benchmark for evaluating drinking water contributions from uses of chlorpyrifos across the United States, and whether such concentrations would result in aggregate exposures to chlorpyrifos that exceeded the Agency's levels of concern. The lowest acute DWLOC calculated was for exposure to chlorpyrifos oxon to infants (<1 year old) at 23 ppb; the lowest steady state DWLOC calculated was also for exposure to chlorpyrifos oxon to infants (<1 year old) at 4.0 ppb. (Ref. 9 at 45–45). In other words, EDWCs of chlorpyrifos oxon greater than 4.0 ppb for a 21-day average would exceed EPA's DWLOC and present a risk that exceeds the Agency's level of concern.

In its 2014 drinking water assessment, EPA concluded that there were multiple uses of chlorpyrifos that could lead to exposures to chlorpyrifos oxon in drinking water that exceed the DWLOC identified at that time. (Ref. 29). This assessment provided the basis for the Agency's proposal to revoke tolerances in 2015. (Ref. 30). In 2016, EPA conducted a refined drinking water assessment that estimated drinking water concentrations based on modeling of all registered uses, as well as all available surface water monitoring data. That assessment considered several refinement strategies in a two-step process to derive exposure estimates for chlorpyrifos and chlorpyrifos oxon across the country. The first step was an assessment of potential exposure based on the current maximum label rates at a national level. This indicated that the EDWCs could be above the DWLOC.

Because estimated concentrations at the national level exceeded the DWLOC, the Agency conducted a more refined assessment of uses on a regional level. (Ref. 28 at 73–86). This more refined analysis derived EDWCs using the PWC modeling for maximum labeled rates and 1 pound per acre by region for each use. The analysis indicated that approved uses of chlorpyrifos in certain vulnerable watersheds in every region of the country would result in EDWCs that exceed the DWLOC. For example, Table 25 of EPA's 2016 DWA, which provides the range of estimated concentrations of chlorpyrifos in drinking water from uses on golf courses and agricultural or production crops, shows EDWCs that exceed the DWLOC in vulnerable watersheds in every region in the country. While the lower end of some of the ranges provided in that table are below the DWLOC, those lower numbers reflect a single use (*i.e.,* single crop) and do not reflect potential exposure from other uses where applications occur at higher rates, more frequently, or in more locations made more vulnerable due to soil type, weather, or agronomic practices. The relevant estimated concentration for risk assessment purposes is the highest concentration across all uses because it reflects concentrations that may occur in vulnerable sources of drinking water (Ref. 28 at 73–74).

In addition, a robust quantitative analysis of the monitoring data was conducted resulting in concentrations consistent with model-estimated concentrations above the DWLOC. (Ref. 28 at 90–121). Considering both monitoring data and modeling estimates together supports the conclusion that drinking water concentrations in regions across the country will exceed the DWLOC. (Ref. 28 at 121–123).

After the EPA's 2016 DWA showed that the DWLOC exceedances are possible from several uses, EPA developed refinement strategies to examine those estimated regional/watershed drinking water concentrations to pinpoint community drinking water systems where exposure to chlorpyrifos oxon as a result of chlorpyrifos applications may pose an exposure concern. At that time, EPA was anticipating that a more refined drinking water assessment might allow EPA to better identify where at-risk watersheds are located throughout the country to support more targeted risk mitigation through the registration review process. The refinements better account for variability in the use area treated within a watershed that may

contribute to a drinking water intake (referred to as PCA or percent use area when considering non-agricultural uses) and incorporate data on the amount of a pesticide that is actually applied within a watershed for agricultural and non-agricultural uses (referred to as PCT). These refinement approaches underwent external peer review and were issued for public comment in January 2020: *https://www.epa.gov/pesticide-science-and-assessing-pesticide-risks/about-water-exposure-models-used-pesticide.* In addition, EPA used average application rates, average numbers of annual applications for specific crops, and estimated typical application timing at the state-level based on pesticide usage data derived from a statistically reliable private market survey database, publicly available survey data collected by the USDA, and state-specific scientific literature from crop extension experts.

The recently developed refinements were integrated in the *Updated Chlorpyrifos Refined Drinking Water Assessment for Registration Review,* which was issued in September 2020. (2020 DWA) (Ref. 10) The updated assessment applied the new methods for considering the entire distribution of community water systems PCA adjustment factors, integrated state level PCT data, incorporated refined usage and application data, and included quantitative use of surface water monitoring data in addition to considering state level usage rate and data information. In addition, given the 2016 DWA calculation of estimated drinking water concentrations exceeding the DWLOC of 4.0 ppb, the Agency decided to focus its refinements for the 2020 updated drinking water assessment on a subset of uses in specific regions of the United States. The purpose of the focus on this subset of uses was to determine, if these were the only uses permitted on the label, whether or not the resulting estimated drinking water concentrations would be below the DWLOC. The subset of uses assessed were selected because they were identified as critical uses by the registrant and/or high-benefit uses to growers. That subset of currently registered uses included alfalfa, apple, asparagus, cherry, citrus, cotton, peach, soybean, sugar beet, strawberry, and wheat in specific areas of the country. The results of this analysis indicated that the EDWCs from this subset of uses limited to certain regions are below the DWLOC. (Ref. 10 at 16–17). However, the 2020 DWA refined estimates did not include chlorpyrifos exposures from uses beyond that subset. In the 2020 DWA, EPA stated that if additional uses were added or additional geographic areas included, a new separate assessment would need to be prepared in order to evaluate whether concentrations would remain below the DWLOC. In addition to the modeling of the EDWCs for the specific subset of uses, the 2020 DWA conducted a quantitative surface water monitoring data analysis. That analysis indicated that monitored chlorpyrifos concentrations, which reflect existing uses, are above the DWLOC. (Ref. 10 at 62, 75). These data would need to be considered in the context of any additional uses beyond the subset evaluated.

C. Residential Exposure to Pesticides

1. General Approach to Assessing Non-Occupational Exposures

Residential assessments examine exposure to pesticides in non-occupational or residential settings (*e.g.,* homes, parks, schools, athletic fields or any other areas frequented by the general public), based on registered uses of the pesticide. Exposures to pesticides may occur to persons who apply pesticides (which is referred to as residential handler exposure) or to persons who enter areas previously treated with pesticides (which is referred to as post-application exposure). Such exposures may occur through oral, inhalation, or dermal routes and may occur over different exposure durations (*e.g.,* short-term, intermediate-term, long-term), depending on the type of pesticide and particular use pattern.

Residential assessments are conducted through examination of significant exposure scenarios (*e.g.,* children playing on treated lawns or homeowners spraying their gardens) using a combination of generic and pesticide-specific data. To regularize this process, EPA has prepared SOPs for conducting residential assessments on a wide array of scenarios that are intended to address all major possible means by which individuals could be exposed to pesticides in a non-occupational environment (*e.g.,* homes, schools, parks, athletic fields, or other publicly accessible locations). (Ref. 18) The SOPs identify relevant generic data and construct algorithms for calculating exposure amounts using these generic data in combination with pesticide-specific information. The generic data generally involve survey data on behavior patterns (*e.g.,* activities conducted on turf and time spent on these activities) and transfer coefficient data. Transfer coefficient data measure the amount of pesticide that transfers from the environment to humans from a defined activity (*e.g.,* hand contact with a treated surface or plant). Specific information on pesticides can include information on residue levels as well as information on environmental fate such as degradation data.

Once EPA assesses all the potential exposures from all applicable exposure scenarios, EPA selects the highest exposure scenario for each exposed population to calculate representative risk estimates for use in the aggregate exposure assessment. Those specific exposure values are then combined with the life stage appropriate exposure values provided for food and drinking water to determine whether a safety finding can be made.

2. Residential Exposure Assessment for Chlorpyrifos

Most chlorpyrifos products registered for residential treatment were voluntarily cancelled or phased out by the registrants between 1997 and 2001; however, some uses of chlorpyrifos remain that may result in non-occupational, non-dietary (*i.e.,* residential) exposures. Based on the remaining registered uses, the Agency has determined that residential handler exposures are unlikely. Chlorpyrifos products currently registered for residential use are limited to roach bait products or ant mound treatments. Exposures from the application of roach bait products are expected to be negligible. The roach bait product is designed such that the active ingredient is contained within a bait station, which eliminates the potential for contact with the chlorpyrifos containing bait material. Since the ant mound treatments can only be applied professionally, residential handler exposure is also not anticipated. (Ref. 9 at 36–44).

There is a potential for residential post-application exposures. Chlorpyrifos is registered for use on golf courses and as an aerial and ground-based ultra-low volume (ULV) mosquito adulticide applications made directly in residential areas. Based on the anticipated use patterns reviewed under the SOP, EPA assessed these exposures as steady-state residential post-application exposures, which would be protective of shorter durations of exposure. There is a potential for dermal post-application exposures from the golf course uses for adults (females 13–49 years old); youths (11 to less than 16 years old); and children (6 to less than 11 years old). There is also a potential for dermal, incidental oral, and inhalation post-application exposures

for children (1 to less than 2 years old) and dermal and inhalation post-application exposures for adults from exposure to mosquitocide uses. The Agency combined post-application exposures for children (1 to less than 2 years old) for dermal, inhalation, and incidental oral exposure routes because these routes all share a common toxicological endpoint. EPA used the post-application exposures and risk estimates resulting from the golfing scenarios in its aggregate exposure and risk assessment.

VIII. Aggregate Risk Assessment and Conclusions Regarding Safety for Chlorpyrifos

The final step in the risk assessment is the aggregate exposure assessment and risk characterization. In this step, EPA combines information from the first three steps (hazard identification, level of concern (LOC)/dose-response analysis, and human exposure assessment) to quantitatively estimate the risks posed by a pesticide. The aggregated exposure assessment process considers exposure through multiple pathways or routes of exposure (*e.g.,* food, water, and residential) for different sub-populations (*e.g.,* infants, children ages 1–6) and exposure duration or types of effects (*e.g.,* acute noncancer effects (single dose), chronic noncancer effects, and cancer). The aggregated exposure assessments can be deterministic (levels of exposure for each pathway are point estimates), probabilistic (levels of exposure are a distribution for a given population), or a combination of the two and are dependent on the level of refinement or assessment tier.

As noted above, EPA evaluates aggregate exposure by comparing combined exposure from all relevant sources to the safe level. Where exposures exceed the safe level, those levels exceed the risk cup and are of potential concern. There are risk cups for each pertinent duration of exposure for a pesticide because the amount of exposure that can be incurred without adverse health effects will vary by duration (*e.g.,* acute, short-term, chronic). The risk cup is equal to the PAD (either acute, chronic, or steady-state), or the maximum safe exposure for short- and intermediate-term durations.

Whether risks will exceed the risk cup (*i.e.,* whether exposures are expected to exceed safe levels) is expressed differently, depending on the type of level of concern the Agency has identified. For dietary assessments, the risk is expressed as a percentage of the acceptable dose (*i.e.,* the dose which EPA has concluded will be ''safe''). Dietary exposures greater than 100% of the percentage of the acceptable dose are generally cause for concern and would be considered ''unsafe'' within the meaning of FFDCA section 408(b)(2)(B). For non-dietary (and combined dietary and non-dietary) risk assessments of threshold effects, the toxicological level of concern is typically not expressed as an RfD/PAD, but rather in terms of an acceptable (or target) Margin of Exposure (MOE) between human exposure and the PoD. The ''margin'' that is being referred to in the term MOE is the ratio between the PoD and human exposure which is calculated by dividing human exposure into the PoD. An acceptable MOE is generally considered to be a margin at least as high as the product of all applicable safety factors for a pesticide. For example, when the Agency retains the default uncertainty factors for dietary or aggregate risk (a 10X interspecies uncertainty factor, a 10X intraspecies uncertainty factor, and a 10X FQPA safety factor), the total uncertainty factors (or level of concern) is 1000, and any MOE above 1000 represents exposures that are not of concern. Like RfD/PADs, specific target MOEs are selected for exposures of different durations and routes. For non-dietary exposures, EPA typically examines short-term, intermediate-term, and long-term exposures. Additionally, target MOEs may be selected based on both the duration of exposure and the various routes of non-dietary exposure—dermal, inhalation, and oral. Target MOEs for a given pesticide can vary depending on the characteristics of the studies relied upon in choosing the PoD for the various duration and route scenarios.

In addition, in a DWLOC aggregate risk assessment, the calculated DWLOC is compared to the EDWC. Where EPA has calculated a DWLOC, EPA can determine whether drinking water exposures will result in aggregate risks of concern by comparing estimated pesticide concentrations in drinking water to the DWLOC. As noted above, an aggregate DWLOC represents the amount of allowable safe residues of pesticide in drinking water because it represents the room remaining in the risk cup after accounting for the food and residential exposures. The DWLOC provides an estimate of the allowable safe concentrations of pesticides in drinking water for comparison to EDWCs. When the EDWC is less than the DWLOC, there are no risk concerns for aggregate exposures because the Agency can conclude that the contribution from drinking water when aggregated with food and non-occupational exposures will not exceed save levels of exposure. Conversely, an EDWC at or exceeding the DWLOC would indicate a risk of concern, as those exposures to chlorpyrifos in drinking water, when aggregated with exposures from food and residential exposures, would exceed safe levels of exposure. (Ref. 31).

A. Dietary Risks From Food Exposures

As noted above, EPA's acute and steady state dietary exposures assessments for chlorpyrifos were highly refined and incorporated monitoring data for almost all foods. The Agency assessed food exposures based on approved registered uses of chlorpyrifos. This includes field uses of chlorpyrifos but not potential exposure from food handling establishment uses since the Agency did not identify any registered food handling establishment uses. (Ref. 9 at 33–36).

Considering food exposures alone, the Agency did not identify risks of concern for either acute or steady state exposures. Acute dietary (food only) risk estimates, which are based on risk from a single exposure event in the 2020 HHRA were all below 100 percent of the acute population adjusted dose for food ($aPAD_{food}$) at the 99.9th percentile of exposure and are not of concern. The population with the highest risk estimate was females (13–49 years old) at 3.2% $aPAD_{food}$. Steady-state dietary (food only) risk estimates, which are based on the potential risk from a 21-day exposure duration using a 3-week rolling average (sliding by day) across the year, were also all below 100% of the steady state PAD for food ($ssPAD_{food}$) at the 99.9th percentile of exposure and are not of concern. The population with the highest risk estimate was children (1–2 years old) at 9.7% $ssPAD_{food}$.

Although EPA's most recent risk assessment calculated two sets of risk estimates as a result of the dual approach to assess the range of risks that would occur if the Agency determined reliable data existed to support a 1X FQPA safety factor, EPA has determined that it is appropriate to retain the 10X FQPA safety factor, see Unit VI.C.3. Therefore, the risk estimates associated with the 1X FQPA are not relevant to today's action.

B. Non-Occupational, Non-Dietary (Residential) Risks

Because there are some uses of chlorpyrifos that may result in residential exposures, EPA assessed risk from those uses. All residential post-application risk estimates for the registered uses of chlorpyrifos were

below the Agency's level of concern. (Ref. 9 at 38). The residential post-application LOC for children is 40, and the lowest risk estimate for children (11 to less than 16 years old) was 1,200; the residential post-application LOC for adults is 100, and the MOE is 1,000. Because the calculated MOEs are above the Agency's level of concern, there are no risks of concern from residential exposures.

C. Risks From Drinking Water

As noted above, the Agency aggregated exposures to chlorpyrifos from food and residential exposures and calculated the DWLOC, *i.e.,* the amount of drinking water exposures that would be considered safe. The Agency calculated acute and steady state DWLOCs for infants (less than 1 year old); children (1 to 2 years old); youths (6–12 years old), and adults (females 13–49 years old), which would be protective of other subpopulations. The most sensitive acute DWLOC was 23 ppb chlorpyrifos oxon, and the most sensitive steady state DWLOC was 4 ppb.

As indicated above in Unit VII.B.2., the Agency estimated drinking water contributions from registered uses of chlorpyrifos in its 2016 DWA. That document indicated that EDWCs exceed the DWLOC of 4.0 ppb on a national level and in every region of the United States. (Ref. 28).

While the 2020 DWA produced estimated drinking water concentrations that were below the DWLOC of 4.0 ppb, those EDWCs were contingent upon a limited subset of chlorpyrifos use. When assessing different combinations of only those 11 uses in specific geographic regions, the modeling assumed that chlorpyrifos would not be labeled for use on any other crops and would not otherwise be used in those geographic regions. At this time, however, the currently registered chlorpyrifos uses go well beyond the 11 uses in the specific regions assessed in the 2020 DWA. Because the Agency is required to assess aggregate exposure from *all* anticipated dietary, including food and drinking water, as well as residential exposures, the Agency cannot rely on the 2020 DWA to support currently labeled uses. When one assesses the potential of all currently registered uses nationwide and in specific geographical areas, as was done in the 2016 DWA, the estimates of drinking water concentrations exceed the DWLOC of 4.0 ppb, in certain vulnerable watersheds across the United States.

D. Aggregate Exposure and Determination Concerning Safety

As noted above, in accordance with FFDCA section 408(b)(2), EPA must, when establishing or leaving in effect tolerances for residues of a pesticide chemical, determine that the tolerances are safe. That is, EPA must determine 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.'' (21 U.S.C. 346a(b)(2)).

As discussed earlier in this Unit, exposures from food and non-occupational exposures individually or together do not exceed EPA's levels of concern. The Agency determined that risks from exposures to chlorpyrifos residues in food comprised 3.2% of the aPAD for females (13–49 years old) and 9.7% of the ssPAD for children (1–2 years old), the highest exposed subpopulations. Combining those exposures with relevant residential exposures, the Agency calculated the allowable levels of drinking water concentrations. Based on the Agency's assessment of drinking water concentrations based on the currently registered uses, however, drinking water exposures significantly add to those risks. When considering the drinking water contribution from currently registered uses, the Agency's levels of concern are exceeded when combined with food and residential exposures.

As indicated above, the Agency calculated acute and steady-state DWLOCs, and the lowest DWLOC is for steady-state exposures to infants at 4.0 ppb; therefore, any EDWCs of chlorpyrifos oxon exceeding 4.0 ppb indicate that aggregate exposures of chlorpyrifos would be unsafe. The Agency's 2016 DWA demonstrates that DWLOC will be exceeded for some people whose drinking water is derived from certain vulnerable watersheds throughout the United States, which means that drinking water contributions will result in aggregate exposures that exceed the Agency's determined safe level of exposure. When taking into consideration aggregate exposures based on current labeled uses, the EDWCs exceed the DWLOC of 4.0 ppb. For example, as noted above in Unit VII.B.2., the 2016 DWA presented EDWCs for uses of chlorpyrifos, including concentrations based on use on golf courses and agricultural crops. For those uses alone, the Agency estimated concentrations exceeding 4.0 ppb in every region in the country; See Table 25 of the 2016 DWA. (Ref. 28 at 73–74.) Comparing the calculated EDWCs from the 2016 DWA with the DWLOC calculated in the 2020 HHRA shows that drinking water concentrations from chlorpyrifos uses will exceed the safe allowable level for contributions from drinking water. This means that aggregate exposure (food, drinking water, and residential exposures) exceeds the Agency's safe level for chlorpyrifos exposure. Because the FFDCA requires EPA to aggregate all dietary and non-occupational exposure, EPA cannot conclude that there is a reasonable certainty that no harm will result from aggregate exposure to chlorpyrifos residues when taking into consideration all labeled uses.

It is worth noting that the Agency's Proposed Interim Registration Review Decision (PID) recognized that there might be limited combinations of uses in certain geographic areas that could be considered safe, if the assessment only includes those specific uses in those areas. The PID noted that ''[w]hen considering all currently registered agricultural and non-agricultural uses of chlorpyrifos, aggregate exposures are of concern. If considering only the uses that result in DWLOCs below the EDWCs, aggregate exposures are not of concern.'' (Ref. 32 at 19). The PID proposed limiting chlorpyrifos applications to specific crops in certain regions where the EDWCs for those uses were calculated to be lower than the DWLOC. (*Id.* at 40). The Agency's ability to make the safety finding for any remaining uses would be contingent upon significant changes to the existing registrations, including use cancellations, geographical limitations, and other label changes.

Consequently, while the 2020 PID suggested that there may be limited combinations of uses that could be safe, FFDCA section 408(b)(2) requires EPA to aggregate all dietary and non-occupational exposures to chlorpyrifos in making a safety finding. Without effective mitigation upon which to base a reduced aggregate exposure calculation, the products as currently registered present risks above the Agency's levels of concern. Based on the data available at this time and the aggregate exposures expected from currently registered uses, the Agency cannot, at this time, determine that aggregate exposures to residues of chlorpyrifos, including all anticipated dietary exposures and all other non-occupational exposures for which there is reliable information, are safe. Accordingly, as directed by the statute and in compliance with the Court's order, EPA is revoking all chlorpyrifos tolerances.

IX. Procedural Matters

A. When do these actions become effective?

The revocations of the tolerances for all commodities will become effective on February 28, 2022. The Agency has set the expiration date for these tolerances to satisfy its international trade obligations described in Unit X.

Any commodities listed in this rule treated with the pesticide subject to this rule, and in the channels of trade following the tolerance revocations, shall be subject to FFDCA section 408(l)(5). Under this section, any residues of these pesticides in or on such food shall not render the food adulterated so long as it is shown to the satisfaction of the Food and Drug Administration that:

1. The residue is present as the result of an application or use of the pesticide at a time and in a manner that was lawful under FIFRA, and

2. The residue does not exceed the level that was authorized at the time of the application or use to be present on the food under a tolerance or exemption from tolerance that was in effect at the time of the application. Evidence to show that food was lawfully treated may include records that verify the dates when the pesticide was applied to such food.

B. Response to Comments

Today's action responds to the Ninth Circuit's order to issue a final rule in response to the 2007 Petition. As such this rule is not finalizing the proposal published in the **Federal Register** issue of November 6, 2015, nor is it implementing or resolving any registration review activity. Thus, this document is not responding to comments received on the 2015 proposal or the most recent registration review documents. Those activities are separate and apart from the procedural posture of this final rule action. Moreover, as the registration review process is ongoing, including a separate review of the comments submitted, the Agency intends to respond to the most recent comments in as part of that process, rather than in this rule.

C. Are the Agency's actions consistent with international obligations?

The tolerance revocations in this final rule are not discriminatory and are designed to ensure that both domestically produced and imported foods meet the food safety standard established by the FFDCA. The same food safety standards apply to domestically produced and imported foods.

EPA considers Codex Maximum Residue Limits (MRLs) in setting U.S. tolerances and in reassessing them. Codex MRLs are established by the Codex Committee on Pesticide Residues, a committee within the Codex Alimentarius Commission, an international organization formed to promote the coordination of international food standards. The FFDCA requires EPA to take Codex MRLs into consideration when establishing new tolerances, and it is EPA's policy to harmonize U.S. tolerances with Codex MRLs to the extent possible, provided that the MRLs achieve the level of protection required under FFDCA. In the current instance, EPA has determined that the current U.S. tolerances for chlorpyrifos are not safe and must be revoked. EPA has developed guidance concerning submissions for import tolerance support (65 FR 35069, June 1, 2000) (FRL–6559–3).

Under the World Trade Organization Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement), to which the United States is a party, Members are required to, except in urgent circumstances, ''allow a reasonable interval between the publication of a sanitary or phytosanitary regulation and its entry into force in order to allow time for producers in exporting Members, and particularly in developing country Members, to adapt their products and methods of production to the requirements of the importing Member.'' (Ref. 33). The WTO has interpreted the phrase ''reasonable interval'' to mean normally a period of not less than six months. (Ref. 34). In accordance with its obligations, EPA intends to notify the WTO of this regulation and is providing a ''reasonable interval'' by establishing an expiration date for the existing tolerances to allow those tolerances to remain in effect for a period of six months after the effective date of this final rule. After the six-month period expires, the tolerances for residues chlorpyrifos in or on food will no longer be in effect.

X. Statutory and Executive Order Reviews

Additional information about these statutes and Executive Orders can be found at *https://www.epa.gov/laws-regulations-and-executive-orders.*

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulations and Regulatory Review

The Office of Management and Budget (OMB) has exempted tolerance regulations 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 final rule is not subject to Executive Order 13563 (76 FR 3821, January 21, 2011).

B. Paperwork Reduction Act (PRA)

This final rule does not contain any information collection activities subject to OMB review and approval under the PRA, 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 that requires OMB approval under PRA, unless it has been approved by OMB and displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the **Federal Register**, are listed in 40 CFR part 9, and included on the related collection instrument or form, if applicable.

C. Regulatory Flexibility Act (RFA)

The RFA, 5 U.S.C. 601 *et seq.,* generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative Procedures Act or any other statute. Since this rule, which is issued under FFDCA section 408(d)(4)(A)(i) (21 U.S.C. 346a(d)(4)(A)(i)) directly in response to a petition under FFDCA section 408(d), does not require the issuance of a proposed rule, the RFA requirements do not apply.

D. Unfunded Mandates Reform Act (UMRA)

EPA has determined that this action does not impose any enforceable duty, contain any unfunded mandate, or otherwise have any effect on small governments subject to the requirements of UMRA sections 202, 203, 204, or 205 (2 U.S.C. 1501 *et seq.*).

E. Executive Order 13132: Federalism

This action will not have federalism implications because it is not expected to have 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, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This final rule directly regulates growers, food processors, food handlers and food retailers, not States. This action does not alter the relationships or distribution of power and responsibilities established

by Congress in the preemption provisions of section 408(n)(4) of the FFDCA.

F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

For the same reasons, this action will not have Tribal implications because it is not expected to have substantial direct effects on Indian Tribes, significantly or uniquely affect the communities of Indian Tribal governments, and does not involve or impose any requirements that affect Indian Tribes. Accordingly, the requirements of Executive Order 13175 (65 FR 67249, November 9, 2000), do not apply to this action.

G. Executive Order 13045: Protection of Children From Environmental Health and Safety Risks

This action is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because this is not an economically significant regulatory action as defined by Executive Order 12866, and this action does not address environmental health or safety risks disproportionately affecting children.

H. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

This action is not subject to Executive Order 13211 (66 FR 28355, May 22, 2001), because this action is not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer and Advancement Act (NTTAA)

In addition, since this action does not involve any technical standards, NTTAA section 12(d), 15 U.S.C. 272 note, does not apply to this action.

J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

This action does not entail special considerations of environmental justice related issues as delineated by Executive Order 12898 (59 FR 7629, February 16, 1994). Nevertheless, the revocation of the tolerances will reduce exposure to the pesticide and lead to a reduction in chlorpyrifos use on food crops. While EPA has not conducted a formal EJ analysis for this rule, the revocation of tolerances will likely reduce disproportionate impacts on EJ communities that are impacted by chlorpyrifos applications on crops.

K. Congressional Review Act (CRA)

This action is subject to the CRA (5 U.S.C. 801 *et seq.*), and EPA will submit a rule report containing this rule and other required information to each House of the Congress and to the Comptroller General of the United States. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

XI. References

The following is a list of the documents that are specifically referenced in this document. The docket, identified by docket ID number docket number EPA–HQ–OPP–2021–0523, includes these documents and other information considered by EPA, including documents that are referenced within the documents that are included in the docket, even if the referenced document is not physically located in the docket. All records in docket are part of the record for this rulemaking. For assistance in locating these other documents, please consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

1. The Petition from NRDC and PANNA, EPA's various responses to it, and the objections submitted on the Petition denial are available in docket number EPA–HQ–OPP–2007–1005 available at *https://www.regulations.gov.*
2. U.S. EPA. Chlorpyrifos Final Work Plan. 2009. Available at: *https://www.regulations.gov/document/EPA–HQ-OPP-2008-0850-0020.*
3. FIFRA Scientific Advisory Panel (2008). ''The Agency's Evaluation of the Toxicity Profile of Chlorpyrifos.'' Report from the FIFRA Scientific Advisory Panel Meeting of September 16–19, 2008. Available at: *https://www.regulations.gov/docket/EPA-HQ-OPP-2008-0274/document.*
4. U.S. EPA (2010). Draft Framework and Case Studies on Atrazine, Human Incidents, and the Agricultural Health Study: Incorporation of Epidemiology and Human Incident Data into Human Health Risk Assessment available at: *https://www.regulations.gov/document/EPA-HQ-OPP-2009-0851-0004.*
5. U.S. EPA (2016). Office of Pesticide Programs' Framework for Incorporating Human Epidemiologic & Incident Data in Risk Assessments for Pesticides. (2016) Available at: *https://www3.epa.gov/pesticides/EPA-HQ-OPP-2008-0316-DRAFT-0075.pdf.*
6. FIFRA Scientific Advisory Panel (2012). ''Scientific Issues Associated with Chlorpyrifos''. Available at: *https://www.regulations.gov/document/EPA-HQ-OPP-2012-0040-0029.*
7. U.S. EPA (2014). Chlorpyrifos: Revised Human Health Risk Assessment for Registration Review. Available in docket number EPA–HQ–OPP–2008–0850, *https://www.regulations.gov/document/EPA-HQ-OPP-2008-0850-0195.*
8. U.S. EPA (2016). Scientific Advisory Panel for Chlorpyrifos: Analysis of Biomonitoring Data. Available at: *https://www.epa.gov/sites/default/files/2016-07/documents/chlorpyrifos_sap_april_2016_final_minutes.pdf.*
9. U.S. EPA (2020). Chlorpyrifos Human Health Risk Assessment. Available at: *https://www.regulations.gov/document/EPA-HQ-OPP-2008-0850-0944.*
10. U.S. EPA (2020). Updated Chlorpyrifos Refined Drinking Water Assessment for Registration Review. Available at: *https://www.regulations.gov/document/EPA-HQ-OPP-2008-0850-0941.*
11. A User's Guide to Available EPA Information on Assessing Exposure to Pesticides in Food (June 21, 2000). Available at: *https://www.doh.wa.gov/Portals/1/Documents/4000/PASW_exposurefood.pdf.*
12. U.S. EPA (2000). Chlorpyrifos Human Health Risk Assessment. Available at: *https://archive.epa.gov/scipoly/sap/meetings/web/pdf/hed_ra.pdf.*
13. U.S. EPA (2011). Chlorpyrifos: Preliminary Human Health Risk Assessment for Registration Review. Available in docket number EPA–HQ–OPP–2008–0850, *https://www.regulations.gov/document/EPA-HQ-OPP-2008-0850-0025.*
14. U.S. EPA (2016). Summary Reviews for Additional Epidemiological Literature Studies from Prospective Birth Cohort Studies. Available in docket number EPA–HQ–OPP–2015–0653 at *https://www.regulations.gov/document/EPA-HQ-OPP-2015-0653-0438.*
15. U.S. EPA (2020). The Use of New Approach Methodologies (NAMs) to Derive Extrapolation Factors and Evaluate Developmental Neurotoxicity for Human Health Risk Assessment. Available in docket number EPA–HQ–OPP–2020–0263 at *https://www.regulations.gov/document/EPA-HQ-OPP-2020-0263-0033.*
16. U.S. EPA (2020). Transmittal of Meeting Minutes and Final Report of the Federal Insecticide, Fungicide, and Rodenticide Act, Scientific Advisory Panel (FIFRA SAP) Virtual Meeting held on September 15–18, 2020. Available in docket number EPA–HQ–2020–0263 at *https://www.regulations.gov/document/EPA-HQ-OPP-2020-0263-0054.*
17. U.S. EPA (2006). Revised Organophosphorous Pesticide Cumulative Risk Assessment. Available at *http://www.epa.gov/pesticides/cumulative/2006-op/index.htm.*
18. U.S. EPA (2012). Standard Operating Procedures for Residential Pesticide Exposure Assessment *https://www.epa.gov/sites/default/files/2015-08/documents/usepa-opp-hed_residential_sops_oct2012.pdf.*
19. FIFRA Scientific Advisory Panel (2002). ''Organophosphate Pesticides: Preliminary OP Cumulative Risk Assessment.'' Information on how to obtain the meeting report is available at *http://www2.epa.gov/sap/fifra-scientific-advisory-panel-meetings.*
20. U.S. EPA (2000). Choosing a Percentile of Acute Dietary Exposure as a Threshold of Regulatory Concern. Available at:

https://www.epa.gov/sites/production/files/2015-07/documents/trac2b054_0.pdf.
21. EPA's Exposure Factors Handbook. Available at: *https://www.epa.gov/expobox/about-exposure-factors-handbook.*
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23. U.S. EPA (2014). Chlorpyrifos Acute and Steady Dietary (Food Only) Exposure Analysis to Support Registration Review. Available at: *https://www.regulations.gov/document/EPA-HQ-OPP-2008-0850-0197.*
24. U.S. EPA (2020). Framework for Conducting Pesticide Drinking Water Assessments for Surface Water. Environmental Fate and Effects Division. Office of Pesticide Programs. Office of Chemical Safety and Pollution Prevention. U.S. Environmental Protection Agency. Available at: *https://www.epa.gov/sites/default/files/2020-09/documents/framework-conducting-pesticide-dw-sw.pdf.*
25. FIFRA Scientific Advisory Panel (2019) ''Approaches for Quantitative Use of Surface Water Monitoring Data in Pesticide Drinking Water Assessments.'' Available at: *https://www.regulations.gov/document/EPA-HQ-OPP-2019-0417-0019.*
26. U.S. EPA (2001). General Principles for Performing Aggregate Exposure and Risk Assessments. Available at: *https://www.epa.gov/sites/default/files/2015-07/documents/aggregate.pdf.*
27. U.S. EPA (2020). Appendix B. Case Study for Integrating a Distributional Approach to Using Percent Crop Area (PCA) and Percent Crop Treated (PCT) into Drinking Water Assessment. Available at: *https://www.regulations.gov/document/EPA-HQ-OPP-2020-0279-0002.*
28. U.S. EPA (2016). Chlorpyrifos Refined Drinking Water Assessment for Registration Review. Available at: *https://www.regulations.gov/document/EPA-HQ-OPP-2015-0653-0437.*
29. U.S. EPA (2014). Chlorpyrifos Updated Drinking Water Assessment for Registration Review. Available at: *https://www.regulations.gov/document/EPA-HQ-OPP-2008-0850-0198.*
30. U.S. EPA (2015). Proposed Rule: Tolerance Revocations: Chlorpyrifos. Available at: *https://www.regulations.gov/document/EPA-HQ-OPP-2015-0653-0001.*
31. U.S. EPA (2011). Finalization of Guidance on Incorporation of Water Treatment Effects on Pesticide Removal and Transformations in Drinking Water Exposure Assessments. Available at: *https://www.epa.gov/pesticide-science-and-assessing-pesticide-risks/finalization-guidance-incorporation-water-treatment.*
32. U.S. EPA (2020). Chlorpyrifos Proposed Interim Registration Review Decision. Available at: *https://www.regulations.gov/document/EPA-HQ-OPP-2008-0850-0971.*
33. For more information on World Trade Organization's Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement), please see: *https://www.wto.org/english/tratop_e/sps_e/spsagr_e.htm.*
34. For more information on World Trade Organization (2001) Implementation-Related Issues and Concerns, please see: *https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=Q:/WT/Min01/17.pdf&Open=True.*

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 18, 2021.

Edward Messina,

Director, Office of Pesticide Programs.

Therefore, for the reasons set forth in the preamble, 40 CFR part 180 is amended as follows:

PART 180—[AMENDED]

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

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

■ 2. In § 180.342, add introductory text to read as follows:

§ 180.342 Chlorpyrifos; tolerances for residues.

This section and all tolerances contained herein expire and are revoked on February 28, 2022.

* * * * *

[FR Doc. 2021–18091 Filed 8–27–21; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

48 CFR Parts 212, 225 and 252

[Docket DARS–2020–0039]

RIN 0750–AL15

Defense Federal Acquisition Regulation Supplement: Improved Energy Security for Main Operating Bases in Europe (DFARS Case 2020–D030)

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: DoD is issuing a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to implement a section of the National Defense Authorization Act for Fiscal Year 2020. This section prohibits contracts for the acquisition of furnished energy for a covered military installation in Europe that is sourced from inside the Russian Federation.

DATES: Effective August 30, 2021.

FOR FURTHER INFORMATION CONTACT: Ms. Kimberly Bass, telephone 571–372–6174.

SUPPLEMENTARY INFORMATION:

I. Background

DoD published a proposed rule in the **Federal Register** at 86 FR 3935 on January 15, 2021, to amend the DFARS to implement section 2821 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2020 (Pub. L. 116–92). Section 2821 prohibits use of energy sourced from inside the Russian Federation in an effort to promote energy security in Europe. The prohibition applies to all forms of energy ''furnished to a covered military installation'' as that term is defined in the statute. No public comments were received in response to the proposed rule.

II. Discussion and Analysis

A. Summary of Significant Changes

No changes are made to the final rule as a result of public comments.

B. Other Changes

One change is made to the rule as proposed to clarify the same language that appears in section 225.7019–2, paragraph (b); the provision 252.225–7053, paragraph (b)(2); and clause 252.225–7054, paragraph (b)(2). In all three locations, the statement ''Does not apply to a third party that uses it to create some other form of energy (*e.g.,* heating, cooling, or electricity)'' is changed to read ''Does not apply to energy converted by a third party into another form of energy and not directly delivered to a covered military installation.'' No other changes are made to the rule.

III. Applicability to Contracts At or Below the Simplified Acquisition Threshold and for Commercial Items, Including Commercially Available Off-the-Shelf Items

This DFARS rule implements section 2821 of the NDAA for FY 2020 (Pub. L. 116–92). Section 2821 prohibits use of energy sourced from inside the Russian Federation unless a waiver is approved by the head of the contracting activity. To implement section 2821, this rule creates a new solicitation provision and

contract clause: (1) DFARS 252.225–7053, Representation Regarding Prohibition on Use of Certain Energy Sourced from Inside the Russian Federation, and (2) DFARS 252.225–7054, Prohibition on Use of Certain Energy Sourced from Inside the Russian Federation.

Section 2821 is silent on applicability to contracts and subcontracts in amounts at or below the simplified acquisition threshold (SAT) or for the acquisition of commercial items. Also, the statute does not provide for civil or criminal penalties. Therefore, it does not apply to contracts or subcontracts in amounts not greater than the SAT or to the acquisition of commercial items, including COTS items, unless a written determination is made as provided for in 41 U.S.C. 1905 and 10 U.S.C. 2375, respectively. The Principal Director, Defense Pricing and Contracting, is the appropriate authority to make a determination for regulations to be published in the DFARS, which is part of the FAR system of regulations. In consonance with the written determination made by the Principal Director, Defense Pricing and Contracting, on May 29, 2020, DoD will apply section 2821 to solicitations and contracts at or below the SAT and to the acquisition of commercial items, including COTS items, as defined at FAR 2.101. Not applying this prohibition guidance to contracts at or below the SAT and for the acquisition of commercial items, including COTS items, would exclude contracts intended to be covered by this rule and undermine the overarching purpose of the rule to prohibit use of energy sourced from inside the Russian Federation. Consequently, DoD will apply the rule to contracts at or below the SAT and for the acquisition of commercial items, including COTS items, to promote energy security in Europe and reduce the risk of supply shortages and reliance on energy sourced inside the Russian Federation.

IV. Expected Impact of the Rule

This rule amends the DFARS to implement section 2821 of the NDAA for FY 2020 (Pub. L. 116–92). Section 2821 prohibits the use of energy sourced from inside the Russian Federation in an effort to promote energy security in Europe. The prohibition applies to all forms of energy that is ''furnished to a covered military installation'', as that term is defined in the statute and only to main operating bases as defined and identified by DoD. This means the energy itself must be furnished to the military installation, not to a third party that uses it to create some other form of energy (*e.g.,* heating, cooling, or electric). The prohibition applies only to Europe, not to Asia (for example, those parts of Turkey located in Asia).

DoD will promote the energy security of its European installations by encouraging energy security and energy resilience and will not purchase energy sourced from inside the Russian Federation unless a waiver of the prohibition in section 2821 is approved by the head of the contracting activity. The rule requires the head of the contracting activity to submit to the congressional defense committees a notice of the waiver.

The following factors will be taken into consideration for granting a waiver:

(1) The energy supply system is physically incapable of segregating Russian Federation energy from non-Russian Federation energy.

(2) The installation can only obtain the necessary energy from its current supplier without the unaffordable expense of constructing new supply lines.

(3) The price of requiring the supplier to segregate the energy is unaffordable and would result in the installation being unable to perform its mission within its budget authority.

(4) Consideration, by the requiring activity, of installation energy and security resilience has been taken into account (*e.g.,* on-site sources of energy and fuel resupply would allow the installation to continue to perform its mission even with disruption of Russian Federation-sourced energy, the installation has addressed energy resilience and security risks and vulnerabilities, etc.).

According to Federal Procurement Data System (FPDS) data for fiscal years 2017 through 2019, DoD awards an average of 108 contracts each year that are assigned the product service code (PSC) S111, with an average of 3 of those awards being made to unique entities that were other than small businesses.

PSC	Description
S111	Utilities—Gas (with locations in Europe).

The awardees were listed as foreign contractor consolidated reporting. Foreign contractor consolidated reporting is used to report procurement actions awarded to contractors located outside the United States providing utilities goods or services when a unique entity identifier is not available. When a generic entity identifier is used to report these actions, FPDS only allows contracting officers to select ''other than small business'' as the contracting officer's determination of business size. FPDS allows contracting officers to aggregate awards and report one record that includes multiple awards, which masks the identity of the entity. Consequently, reporting awards in this manner is likely to result in an undercount of the number of unique entities, as there is no data available to determine the number of entities or whether the entities are small or other than small.

Based on this analysis, DoD estimates it is highly unlikely that an American small entity would be providing these utility services in Europe. It is expected that this rule will not impact small businesses, but it may impact large businesses or their subcontractors who compete on solicitations for Federal overseas energy contracts for utilities and gas in Europe.

Utilizing energy sourced from inside the Russian Federation could increase the risk of limited access to the required energy supply, resulting in negative impacts to the warfighter. Section 2911 of title 10 United States Code ensures the readiness of the armed forces for their military missions by pursuing energy security and resilience. Further, DoD Instruction 4170.11, Installation Energy Management, encourages DoD components to pursue energy resilience. In today's environment, maintaining secure access to energy resources is critical to DoD's execution of its mission, and ensuring energy resilience at DoD installations is a top priority.

This prohibition will ensure improved energy security for main operating bases in Europe. This rule requires an offeror to represent, by submission of their offer, that the offeror will not use any energy sourced from inside the Russian Federation as a means of generating the furnished energy for the covered military installation in Europe. In addition, the rule provides a contract clause that ensures the prohibition is incorporated as a term and condition of the resulting contract.

V. Executive Orders 12866 and 13563

Executive Orders 12866 and 13563 Executive Orders (E.O.s) 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of

harmonizing rules, and of promoting flexibility. This is a significant regulatory action and, therefore, was subject to review under section 6(b) of E.O. 12866, Regulatory Planning and Review, dated September 30, 1993.

VI. Congressional Review Act

As required by the Congressional Review Act (5 U.S.C. 801–808) before an interim or final rule takes effect, DoD will submit a copy of the interim or final rule with the form, Submission of Federal Rules Under the Congressional Review Act, to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States. A major rule under the Congressional Review Act cannot take effect until 60 days after it is published in the **Federal Register**. The Office of Information and Regulatory Affairs in the Office of Management and Budget has determined that this rule is not a major rule as defined by 5 U.S.C. 804.

VII. Regulatory Flexibility Act

A final regulatory flexibility analysis (FRFA) has been prepared consistent with the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.* The FRFA is summarized as follows:

The final rule is necessary to revise the Defense Federal Acquisition Regulation Supplement (DFARS) to implement a statute that prohibits contracts for the use of energy sourced inside the Russian Federation for military installations in Europe.

The objective for and the legal basis for the rule is section 2821 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2020, which prohibits use of energy sourced from inside the Russian Federation in an effort to promote energy security in Europe. The prohibition applies to all forms of energy ''furnished to a covered military installation,'' as that term is defined in the statute, and only to main operating bases as defined and identified by DoD.

No public comments were received in response to the initial regulatory flexibility analysis.

According to data obtained from the Federal Procurement Data System (FPDS) for fiscal years 2017 through 2019 for awards coded for product service code S111 (Utilities-Gas) with locations in Europe, 108 awards per year were made on average over the three fiscal years, with an average of 3 awards to unique entities that were other than small businesses. The awardees were listed as foreign contractor consolidated reporting, which is used to report procurement actions awarded to contractors located outside the United States providing utilities goods or services when a unique entity identifier is not available. When a generic entity identifier is used to report these actions, FPDS only allows contracting officers to select ''other than small business'' as the contracting officer's determination of business size. FPDS allows contracting officers to aggregate awards and report one record that includes multiple awards, which masks the identity of the entity. Consequently, reporting awards in this manner is likely to result in an undercount of the number of unique entities, as there is no data available to determine the number of entities or whether the entities are small or other than small. Based on this analysis, DoD estimates it is unlikely that an American small entity would be providing these utility services in Europe. Therefore, DoD does not expect this rule to impact small entities.

This rule does not include any new reporting, recordkeeping, or other compliance requirements for small entities.

DoD has not identified any alternative approaches to the rule that would meet the requirements of the statute.

VIII. Paperwork Reduction Act

This rule does not contain any information collection requirements that require the approval of the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. chapter 35).

List of Subjects in 48 CFR Parts 212, 225 and 252

Government procurement.

Jennifer D. Johnson,

Editor/Publisher, Defense Acquisition Regulations System.

Therefore, 48 CFR parts 212, 225, and 252 are amended as follows:

■ 1. The authority citation for 48 CFR parts 212, 225, and 252 continues to read as follows:

Authority: 41 U.S.C. 1303 and 48 CFR chapter 1.

PART 212—ACQUISITION OF COMMERCIAL ITEMS

■ 2. Amend section 212.301 by adding paragraphs (f)(ix)(GG) and (HH) to read as follows:

212.301 Solicitation provisions and contract clauses for the acquisition of commercial items.

* * * * *

(f) * * *

(ix) * * *

(GG) Use the provision at 252.225–7053, Representation Regarding Prohibition on Use of Certain Energy Sourced from Inside the Russian Federation, as prescribed in 225.7019–4(a), to comply with section 2821 of the National Defense Authorization Act for Fiscal Year 2020 (Pub. L. 116–92).

(HH) Use the clause at 252.225–7054, Prohibition on Use of Certain Energy Sourced from Inside the Russian Federation, as prescribed in 225.7019–4(b), to comply with section 2821 of the National Defense Authorization Act for Fiscal Year 2020 (Pub. L. 116–92).

* * * * *

PART 225—FOREIGN ACQUISITION

■ 3. Add sections 225.7019, 225.7019–1, 225.7019–2, 225.7019–3, and 225.7019–4 to subpart 225.70 to read as follows:

* * * * *

Sec.

225.7019 Prohibition on use of certain energy sourced from inside the Russian Federation.

225.7019–1 Definitions.

225.7019–2 Prohibition.

225.7019–3 Waiver.

225.7019–4 Solicitation provision and contract clause.

* * * * *

225.7019 Prohibition on use of certain energy sourced from inside the Russian Federation.

225.7019–1 Definitions.

As used in this section—

Covered military installation means a military installation in Europe identified by DoD as a main operating base.

Furnished energy means energy furnished to a covered military installation in any form and for any purpose, including heating, cooling, and electricity.

Main operating base means a facility outside the United States and its territories with permanently stationed operating forces and robust infrastructure.

225.7019–2 Prohibition.

In accordance with section 2821 of the National Defense Authorization Act for Fiscal Year 2020 (Pub. L. 116–92), contracts for the acquisition of furnished energy for a covered military installation shall not use any energy sourced from inside the Russian Federation as a means of generating the furnished energy for the covered military installation. The prohibition—

(a) Applies to all forms of energy that are furnished to a covered military installation; and

(b) Does not apply to energy converted by a third party into another form of energy and not directly

delivered to a covered military installation.

225.7019–3 Waiver.

(a) *Request and approval of waiver.* The requiring activity may submit to the contracting activity a request for waiver of the prohibition in 225.7019–2 for a specific contract for the acquisition of furnished energy for a covered military installation. The head of the contracting activity, without power of redelegation, may approve the waiver, upon certification to the congressional defense committees that—

(1) The waiver of section 2821 is necessary to ensure an adequate supply of furnished energy for the covered military installation; and

(2) National security requirements have been balanced against the potential risk associated with reliance upon the Russian Federation for furnished energy.

(b) *Submission of waiver notice.* (1) Not later than 14 days before the execution of any energy contract for which a waiver is granted under paragraph (a) of this section, the head of the contracting activity shall submit to the congressional defense committees a notice of the waiver. See PGI 225.7019–3 for waiver procedures.

(2) The waiver notice shall include the following:

(i) The rationale for the waiver, including the basis for the certifications required by paragraph (a) of this section.

(ii) An assessment of how the waiver may impact DoD's European energy resilience strategy.

(iii) An explanation of the measures DoD is taking to mitigate the risk of using Russian Federation furnished energy.

225.7019–4 Solicitation provision and contract clause.

Unless a waiver has been granted in accordance with 225.7019–3—

(a) Use the provision at 252.225–7053, Representation Regarding Prohibition on Use of Certain Energy Sourced from Inside the Russian Federation, in solicitations, including solicitations using FAR part 12 procedures for the acquisition of commercial items and solicitations at or below the simplified acquisition threshold, that are for the acquisition of furnished energy for a covered military installation; and

(b) Use the clause at 252.225–7054, Prohibition on Use of Certain Energy Sourced from Inside the Russian Federation, in solicitations and contracts, including solicitations and contracts using FAR part 12 procedures for the acquisition of commercial items and solicitations and contracts at or below the simplified acquisition threshold, that are for the acquisition of furnished energy for a covered military installation.

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 4. Add section 252.225–7053 to read as follows:

252.225–7053 Representation Regarding Prohibition on Use of Certain Energy Sourced from Inside the Russian Federation.

As prescribed in 225.7019–4(a), use the following provision:

REPRESENTATION REGARDING PROHIBITION ON USE OF CERTAIN ENERGY SOURCED FROM INSIDE THE RUSSIAN FEDERATION (AUG 2021)

(a) *Definitions.* As used in this provision—

Covered military installation means a military installation in Europe identified by DoD as a main operating base.

Furnished energy means energy furnished to a covered military installation in any form and for any purpose, including heating, cooling, and electricity.

Main operating base means a facility outside the United States and its territories with permanently stationed operating forces and robust infrastructure.

(b) *Prohibition.* In accordance with section 2821 of the National Defense Authorization Act for Fiscal Year 2020 (Pub. L. 116–92), contracts for the acquisition of furnished energy for a covered military installation shall not use any energy sourced from inside the Russian Federation as a means of generating the furnished energy for the covered military installation, unless a waiver is approved. The prohibition—

(1) Applies to all forms of energy that are furnished to a covered military installation; and

(2) Does not apply to energy converted by a third party into another form of energy and not directly delivered to a covered military installation.

(c) *Representation.* By submission of its offer, the Offeror represents that the Offeror will not use or provide any energy sourced from inside the Russian Federation as a means of generating the furnished energy for the covered military installation in the performance of any contract, subcontract, or other contractual instrument resulting from this solicitation.

(End of provision)

■ 5. Add section 252.225–7054 to read as follows:

252.225–7054 Prohibition on Use of Certain Energy Sourced from Inside the Russian Federation.

As prescribed in 225.7019–4(b), use the following clause: PROHIBITION ON USE OF CERTAIN ENERGY SOURCED FROM INSIDE THE RUSSIAN FEDERATION (AUG 2021)

(a) *Definitions.* As used in this clause—

Covered military installation means a military installation in Europe identified by DoD as a main operating base.

Furnished energy means energy furnished to a covered military installation in any form and for any purpose, including heating, cooling, and electricity.

Main operating base means a facility outside the United States and its territories with permanently stationed operating forces and robust infrastructure.

(b) *Prohibition.* In accordance with section 2821 of the National Defense Authorization Act for Fiscal Year 2020 (Pub. L. 116–92), the Contractor shall not use in the performance of this contract any energy sourced from inside the Russian Federation as a means of generating the furnished energy for the covered military installation unless a waiver is approved. The prohibition—

(1) Applies to all forms of energy that are furnished to a covered military installation; and

(2) Does not apply to energy converted by a third party into another form of energy and not directly delivered to a covered military installation.

(c) *Subcontracts.* The Contractor shall insert the substance of this clause, including this paragraph (c), in subcontracts and other commercial instruments that are for furnished energy at a covered military installation, including subcontracts and commercial instruments for commercial items.

(End of clause)

[FR Doc. 2021–18340 Filed 8–27–21; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

48 CFR Part 225

[Docket DARS–2021–0016]

RIN 0750–AL37

Defense Federal Acquisition Regulation Supplement; Use of Firm-Fixed-Price Contracts for Foreign Military Sales (DFARS Case 2021–D019)

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: DoD is issuing a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to implement a section of the National Defense Authorization Act for Fiscal Year 2021 that rescinds the requirement for the use of firm-fixed-price contract types for foreign military sales unless an exception or waiver applies.

DATES: Effective August 30, 2021.

FOR FURTHER INFORMATION CONTACT: Kimberly Bass, telephone 703–372–6174.

SUPPLEMENTARY INFORMATION:

I. Background

DoD is issuing a final rule amending the DFARS to implement section 888 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2021 (Pub. L. 116–283), which repeals section 830 of the NDAA for FY 2017 (Pub. L. 114–328). DoD published a proposed rule in the **Federal Register** at 84 FR 12179 on April 1, 2019, to implement sections 829 and 830 of the NDAA for FY 2017 (Pub. L. 114–328). On May 29, 2019, a document was published in the **Federal Register** at 84 FR 24734 to extend the comment period for 14 days until June 14, 2019. The final rule implementing section 830 was published in the **Federal Register** at 84 FR 65304, on November 27, 2019.

Section 830 was implemented at DFARS 225.7301–1, Requirement to Use Firm-Fixed-Price Contracts, and required the use of firm-fixed-price contracts for foreign military sales (FMS), unless one of the exceptions or the waiver provided in the statute applied.

Section 807 of the NDAA for FY 2020 (Pub. L. 116–92) delayed the effective date of regulations implementing section 830 until December 31, 2020.

Section 888 of the NDAA for FY 2021 repealed section 830 of the NDAA for FY 2017 and the requirement for contracting officers to use firm-fixed-price contracts for FMS unless an exception or a waiver applies. Accordingly, DFARS section 225.7301–1 is being removed and reserved.

II. Publication of This Final Rule for Public Comment Is Not Required by Statute

The statute that applies to the publication of the Federal Acquisition Regulation (FAR) is the Office of Federal Procurement Policy statute (codified at title 41 of the United States Code). Specifically, 41 U.S.C. 1707(a)(1) requires that a procurement policy, regulation, procedure, or form (including an amendment or modification thereof) must be published for public comment if it relates to the expenditure of appropriated funds and has either a significant effect beyond the internal operating procedures of the agency issuing the policy, regulation, procedure, or form, or has a significant cost or administrative impact on contractors or offerors. This final rule is not required to be published for public comment, because DoD is not issuing a new regulation; rather, this rule is updating internal operating procedures that will no longer require contracting officers to use firm-fixed-price contracts for FMS as directed at DFARS 225.7301–1(a). In addition, the waiver at DFARS 225.7301–1(b) will no longer be required.

III. Applicability to Contracts at or Below the Simplified Acquisition Threshold and for Commercial Items, Including Commercially Available Off-the-Shelf Items

This rule does not create any new DFARS solicitation provisions or contract clauses. It does not impact any existing solicitation provisions or contract clauses or their applicability to contracts valued at or below the simplified acquisition threshold or for commercial items, including commercially available off-the-shelf items.

IV. Executive Orders 12866 and 13563

Executive Orders (E.O.s) 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This is not a significant regulatory action and, therefore, was not subject to review under section 6(b) of E.O. 12866, Regulatory Planning and Review, dated September 30, 1993.

V. Congressional Review Act

As required by the Congressional Review Act (5 U.S.C. 801–808) before an interim or final rule takes effect, DoD will submit a copy of the final rule with the form, Submission of Federal Rules under the Congressional Review Act, to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States. A major rule under the Congressional Review Act cannot take effect until 60 days after it is published in the **Federal Register**. The Office of Information and Regulatory Affairs has determined that this rule is not a major rule as defined by 5 U.S.C. 804.

VI. Regulatory Flexibility Act

The Regulatory Flexibility Act does not apply to this rule because this final rule does not constitute a significant DFARS revision within the meaning of FAR 1.501–1, and 41 U.S.C. 1707 does not require publication for public comment.

VII. Paperwork Reduction Act

The rule does not contain any information collection requirements that require the approval of the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. chapter 35).

List of Subjects in 48 CFR Part 225

Government procurement.

Jennifer D. Johnson,

Editor/Publisher, Defense Acquisition Regulations System.

Therefore, 48 CFR part 225 is amended as follows:

PART 225—FOREIGN ACQUISITION

■ 1. The authority citation for 48 CFR part 225 continues to read as follows:

Authority: 41 U.S.C. 1303 and 48 CFR chapter 1.

225.7301–1 [Removed and Reserved]

■ 2. Remove and reserve section 225.7301–1.

[FR Doc. 2021–18342 Filed 8–27–21; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 541

[Docket No. NHTSA–2019–0056]

RIN 2127–AM24

Federal Motor Vehicle Theft Prevention Standard; Final Listing of 2019 Light Duty Truck Lines Subject to the Requirements of This Standard and Exempted Vehicle Lines for Model Year 2019

AGENCY: National Highway Traffic Safety Administration (NHTSA), U.S. Department of Transportation.

ACTION: Final rule.

SUMMARY: This final rule announces NHTSA's determination that there are no new model year 2019 light duty truck lines subject to the parts-marking requirements of the Federal motor vehicle theft prevention standard. The agency determined no new models were high-theft or had major parts that are interchangeable with a majority of the covered major parts of passenger car or multipurpose passenger vehicle lines. This final rule also identifies those

vehicle lines that have been granted an exemption from the parts-marking requirements because they are equipped with antitheft devices determined to meet certain criteria.

DATES: This final rule is effective August 30, 2021.

FOR FURTHER INFORMATION CONTACT: Ms. Carlita Ballard, Office of International Policy, Fuel Economy and Consumer Programs, NHTSA, West Building, W43–439, NRM–310, 1200 New Jersey Avenue SE, Washington, DC 20590. Ms. Ballard's phone number is (202) 366–5222. Her fax number is (202) 493–2990.

SUPPLEMENTARY INFORMATION: The theft prevention standard (49 CFR part 541) applies to (1) all passenger car lines; (2) all multipurpose passenger vehicle (MPV) lines with a gross vehicle weight rating (GVWR) of 6,000 pounds or less; (3) low-theft light-duty truck (LDT) lines with a GVWR of 6,000 pounds or less that have major parts that are interchangeable with a majority of the covered major parts of passenger car or MPV lines; and (4) high-theft LDT lines with a GVWR of 6,000 pounds or less.

The purpose of the theft prevention standard is to reduce the incidence of motor vehicle theft by facilitating the tracing and recovery of parts from stolen vehicles. The standard seeks to facilitate such tracing by requiring that vehicle identification numbers (VINs), VIN derivative numbers, or other symbols be placed on major component vehicle parts. The theft prevention standard requires motor vehicle manufacturers to inscribe or affix VINs onto covered original equipment major component parts, and to inscribe or affix a symbol identifying the manufacturer and a common symbol identifying the replacement component parts for those original equipment parts, on all vehicle lines subject to the requirements of the standard.

49 U.S.C. 33104(d) provides that once a line has become subject to the theft prevention standard, the line remains subject to the requirements of the standard unless it is exempted under 49 U.S.C. 33106. Section 33106 provides that a manufacturer may petition annually to have one vehicle line exempted from the requirements of section 33104, if the line is equipped with an antitheft device meeting certain conditions as standard equipment. The exemption is granted if NHTSA determines that the antitheft device is likely to be as effective as compliance with the theft prevention standard in reducing and deterring motor vehicle thefts.

49 CFR part 543 establishes the process through which manufacturers may seek an exemption from the theft prevention standard. Manufacturers may request an exemption under 49 CFR 543.6 by providing specific information about the antitheft device, its capabilities, and the reasons the petitioner believes the device to be as effective at reducing and deterring theft as compliance with the parts-marking requirements,[1] or manufacturers may request an exemption under a more streamlined process outlined in 49 CFR 543.7 if the vehicle line is equipped with an antitheft device (an ''immobilizer'') as standard equipment that complies with one of the standards specified in that section.[2] If the exemption is sought under 49 CFR 543.6, NHTSA publishes a notice of its decision to grant or deny the exemption petition in the **Federal Register** and notifies the petitioner in writing; if the petition is sought under section 49 CFR 543.7, NHTSA notifies the petitioner in writing of the agency's decision to grant or deny the exemption petition.

NHTSA annually publishes the names of LDT lines NHTSA has determined to be high theft pursuant to 49 CFR part 541, LDT lines that NHTSA has determined to have major parts that are interchangeable with a majority of the covered major parts of passenger car or MPV lines, and vehicle lines that NHTSA has exempted from the theft prevention standard. Appendix A to part 541 identifies those LDT lines subject to the theft prevention standard beginning in a given model year. Appendix A–I to part 541 also lists those vehicle lines that NHTSA has exempted from the theft prevention standard.

For MY 2019, there are no new LDT lines that will be subject to the theft prevention standard in accordance with the procedures published in 49 CFR part 542.

Appendix A–I identifies those vehicle lines that have been exempted by the agency from the parts-marking requirements of part 541 and is amended to include ten MY 2019 vehicle lines newly exempted in full. The ten exempted vehicle lines are the BMW 8 Series, Ford Lincoln Nautilus, GM Cadillac XT4, Honda Passport, Hyundai Genesis G80, Kia Stinger, Nissan Infiniti QX50, Subaru Ascent, Toyota Avalon and the Jaguar Land Rover Velar. NHTSA has either previously granted these exemption requests and published the determination in the **Federal Register** if the exemption was sought under 49 CFR 543.6, or has notified the manufacturer of the grant of exemption if the exemption was sought under 49 CFR 543.7.

Each year the agency also amends the appendices to part 541 to remove vehicle lines that have not been manufactured for the United States market in over 5 years. We believe that including those vehicle lines would be unnecessary. Therefore, the agency is removing the BMW 1 Series, Honda Acura TL, Hyundai Genesis, Nissan Cube, Nissan Infiniti G, Nissan Infiniti M, Subaru B9 Tribeca, and the Suzuki Kizashi vehicle lines from the Appendix A–I listing. However, NHTSA will continue to maintain a comprehensive database of all exemptions on our website.

The changes made in this notice are purely informational. The ten vehicle lines that will be added to Appendix A–I of part 541 were granted exemptions in accordance with the procedures of 49 CFR part 543 and 49 U.S.C. 33106 and notices of the grants of those exemptions were published in the **Federal Register**, or the manufacturer was notified by grant letter. Therefore, NHTSA finds good cause under 5 U.S.C. 553(b)(3)(B) that notice and opportunity for comment on this final rule is unnecessary. Further, public comment on the listing of selections and exemptions is not contemplated by 49 U.S.C. Chapter 331. For the same reasons, since this revised listing only informs the public of previous agency actions and does not impose additional obligations on any party, NHTSA finds good cause under 5 U.S.C. 553(d)(3) to make the amendment made by this notice effective on the date this notice is published in the **Federal Register**.

Regulatory Notices

A. Executive Order 12866 and DOT Regulatory Policies and Procedures

This rulemaking document was not reviewed by the Office of Management and Budget (OMB) under Executive Order (E.O.) 12866. It is not considered to be significant under E.O. 12866 or the Department's Regulatory Policies and Procedures. The purpose of this final rule is to provide information to the public about vehicle lines that must comply with the parts marking requirements of NHTSA's theft prevention standard and vehicles that NHTSA has exempted from those requirements. Since the purpose of the final rule is to inform the public of actions NHTSA has already taken, either determining that new lines are subject to parts marking requirements or exempting vehicle lines from those

[1] 49 CFR 543.6.

[2] 49 CFR 543.7.

requirements, the final rule will not impose any new burdens.

B. National Environmental Policy Act

NHTSA has analyzed this final rule for the purposes of the National Environmental Policy Act. The agency has determined that implementation of this action will not have any significant impact on the quality of the human environment as it merely informs the public about previous agency actions. Accordingly, no environmental assessment is required.

C. Executive Order 13132 (Federalism)

The agency has analyzed this rulemaking in accordance with the principles and criteria contained in Executive Order 13132 and has determined that it does not have sufficient federal implications to warrant consultation with State and local officials or the preparation of a federalism summary impact statement. As discussed above, this final rule only provides information to the public about previous agency actions.

D. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 requires agencies to prepare a written assessment of the costs, benefits and other effects of proposed or final rules that include a Federal mandate likely to result in the expenditure by State, local or tribal governments, in the aggregate, or by the private sector, of more than $100 million annually ($120.7 million as adjusted annually for inflation with base year of 1995). The assessment may be combined with other assessments, as it is here.

This final rule will not result in expenditures by State, local or tribal governments or automobile manufacturers and/or their suppliers of more than $120.7 million annually. This document informs the public of previously granted exemptions. Since the only purpose of this final rule is to inform the public of previous actions taken by the agency, no new costs or burdens will result.

E. Executive Order 12988 (Civil Justice Reform)

Pursuant to Executive Order 12988, ''Civil Justice Reform,'' [3] the agency has considered whether this final rule has any retroactive effect. We conclude that it would not have such an effect as it only informs the public of previous agency actions. In accordance with section 49 U.S.C. 33118, when a Federal theft prevention standard is in effect, a State or political subdivision of a State may not have a different motor vehicle theft prevention standard for a motor vehicle or major replacement part. 49 U.S.C. 33117 provides that judicial review of this rule may be obtained pursuant to 49 U.S.C. 32909. Section 32909 does not require submission of a petition for reconsideration or other administrative proceedings before parties may file suit in court.

F. Paperwork Reduction Act

Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501, *et seq.*), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct, sponsor, or require through regulations. There are no information collection requirements associated with this final rule.

List of Subjects in 49 CFR Part 541

Administrative practice and procedure, Labeling, Motor vehicles, Reporting and recordkeeping requirements.

In consideration of the foregoing, 49 CFR part 541 is amended as follows:

PART 541—[AMENDED]

■ 1. The authority citation for part 541 continues to read as follows:

Authority: 49 U.S.C. 33101, 33102, 33103, 33104, 33105 and 33106; delegation of authority at 49 CFR 1.95.

■ 2. Appendix A–I to part 541 is revised to read as follows:

Appendix A–I to Part 541—Lines With Antitheft Devices Which Are Exempted From the Parts-Marking Requirements of This Standard Pursuant to 49 CFR Part 543

Manufacturer	Subject lines
BMW	MINI, MINI Countryman (MPV), X1 (MPV), X1, X2 (MPV), X3, X4, X5 (MPV), Z4, 3 Series, 4 Series, 5 Series, 6 Series, 7 Series, 8 Series.[1]
CHRYSLER	200, 300, Dodge Charger, Dodge Challenger, Dodge Dart, Dodge Journey, Fiat 500, Fiat 124 Spider, Jeep Cherokee, Jeep Compass, Jeep Grand Cherokee (MPV), Jeep Patriot, Jeep Wrangler/Wrangler JK,[2] Jeep Wrangler JL (new),[1] Town and Country MPV.
FORD MOTOR CO	C-Max, EcoSport, Edge, Escape, Explorer, Fiesta, Focus, Fusion, Lincoln MKC, Lincoln MKX, Lincoln Nautilus,[1] Mustang, Taurus.
GENERAL MOTORS	Buick LaCrosse/Regal, Buick Verano, Cadillac ATS, Cadillac CTS, Cadillac SRX, Cadillac XTS, Cadillac XT4,[1] Chevrolet Bolt, Chevrolet Camaro, Chevrolet Corvette, Chevrolet Cruze, Chevrolet Equinox, Chevrolet Impala/Monte Carlo, Chevrolet Malibu, Chevrolet Sonic, Chevrolet Spark, Chevrolet Volt, GMC Terrain.
HONDA	Accord, Acura MDX, Civic, CR–V, Passport,[1] Pilot.
HYUNDAI	Azera, Equus, Genesis G80,[1 3] IONIQ.
JAGUAR	F-Type, XE, XF, XJ, XK, Land Rover Discovery Sport, Land Rover F-Pace, Land Rover LR2, Land Rover Range Rover Evoque, Land Rover Velar.[1]
KIA	Niro, Stinger.[1]
MASERATI	Ghibli, Levante (SUV), Quattroporte.
MAZDA	2, 3, 5, 6, CX–3, CX–5, CX–9, MX–5 Miata.
MERCEDES-BENZ	smart Line Chassis, smart USA fortwo, SL-Line Chassis (SL-Class) (the models within this line are): SL400/SL450, SL550, SL 63/AMG, SL 65/AMG, SLK-Line Chassis (SLK-Class/SLC-Class) (the models within this line are): SLK 250, SLK 300, SLK 350, SLK 55 AMG, SLC 300 AMG, SLC 43, S-Line Chassis (S/CL/S-Coupe Class/S-Class Cabriolet/Mercedes Maybach) (the models within this line are): S400 Hybrid, S550, S600, S63 AMG, S65 AMG, Mercedes-Maybach S560, Mercedes-Maybach S650, CL550, CL600, CL63 AMG, CL65 AMG, NGCC Chassis Line (CLA/GLA/B-Class/A-Class) (the models within this line are): A220, B250e, CLA250, CLA45 AMG, GLA250, GLA45 AMG, C-Line Chassis (C-Class/CLK/GLK-Class/GLC-Class) (the models within this line are): C63 AMG, C240, C250, C300, C350, CLK 350, CLK 550, CLK 63AMG, GLK250, GLK350, E-Line Chassis (E-Class/CLS Class) (the models within this line are): E55, E63 AMG, E320 BLUETEC, E350 BLUETEC, E320/E320DT CDi, E350/E500/E550, E400 HYBRID, CLS400, CLS500/550, CLS55 AMG, CLS63 AMG.

[3] *See* 61 FR 4729, February 7, 1996.

Manufacturer	Subject lines
MITSUBISHI	Eclipse Cross, iMiEV, Lancer, Outlander, Outlander Sport, Mirage.
NISSAN	Altima, Juke, Leaf, Maxima, Murano, NV200 Taxi, Pathfinder, Quest, Rogue, Kicks, Sentra, Infiniti Q70, Infiniti Q50/60, Infiniti QX50,[1] Infiniti QX60.
PORSCHE	911, Boxster/Cayman, Macan, Panamera.
SUBARU	Ascent,[1] Forester, Impreza, Legacy, Outback, WRX, XV Crosstrek/Crosstrek.[4]
TESLA	Model 3, Model S, Model X.
TOYOTA	Avalon,[1] Camry, Corolla, Highlander, Lexus ES, Lexus GS, Lexus LS, Lexus NX, Lexus RX, Prius, RAV4, Sienna.
VOLKSWAGEN	Atlas, Beetle, Eos, Jetta, Passat, Tiguan, Audi A3, Audi A4, Audi A4 Allroad MPV, Audi A6, Audi A8, Audi Q3, Audi Q5, Audi TT, Golf/Golf Sport wagen/eGolf/Alltrack.
VOLVO	S60.

[1] Granted an exemption from the parts marking requirements beginning with MY 2019.
[2] Jeep Wrangler (2009–2019) nameplate changed to Jeep Wrangler JK, JK discontinued after MY 2018.
[3] Hyundai discontinued use of its parts marking exemption for the Genesis vehicle line beginning with the 2010 model year, line was reintroduced as the Genesis G80.
[4] Subaru XV Crosstrek nameplate changed to Crosstrek beginning with MY 2016.

Issued under authority delegated in 49 CFR 1.95, and 501.5.

Steven S. Cliff,

Acting Administrator.

[FR Doc. 2021–18632 Filed 8–27–21; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 210505–0101; RTID 0648–XB310]

Fisheries Off West Coast States; Modification of the West Coast Salmon Fisheries; Inseason Action #25

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

ACTION: Inseason modification of 2021 management measures.

SUMMARY: NMFS announces one inseason action in the 2021 ocean salmon fisheries. This inseason action modified the fishing days per calendar week in the recreational ocean salmon fishery in the area from Queets River, WA, to Leadbetter Point, WA (Westport subarea).

DATES: This inseason action became applicable on August 6, 2021, and remains in effect until superseded or modified.

FOR FURTHER INFORMATION CONTACT: Shannon Penna at 562–676–2148, email: *Shannon.penna@noaa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The 2021 annual management measures for ocean salmon fisheries (86 FR 26425, May 14, 2021), announced management measures for the commercial and recreational fisheries in the area from the U.S./Canada border to the U.S./Mexico border, effective from 0001 hours Pacific Daylight Time (PDT), May 16, 2021, until the effective date of the 2022 management measures, as published in the **Federal Register**. NMFS is authorized to implement inseason management actions to modify fishing seasons and quotas as necessary to provide fishing opportunity while meeting management objectives for the affected species (50 CFR 660.409). Inseason actions in the salmon fishery may be taken directly by NMFS (50 CFR 660.409(a)—Fixed inseason management provisions) or upon consultation with the Chairman of the Pacific Fishery Management Council (Council) and the appropriate State Directors (50 CFR 660.409(b)—Flexible inseason management provisions).

Management of the salmon fisheries is generally divided into two geographic areas: North of Cape Falcon (NOF) (U.S./Canada border to Cape Falcon, OR) and south of Cape Falcon (Cape Falcon, OR, to the U.S./Mexico border). The action described in this document affected the NOF recreational salmon fishery, as set out under the heading Inseason Action.

Consultation on this inseason action occurred on August 3, 2021. Representatives from NMFS, Washington Department of Fish and Wildlife (WDFW), Oregon Department of Fish and Wildlife (ODFW), and Council staff participated in the consultation.

This inseason action was announced on NMFS' telephone hotline and U.S. Coast Guard radio broadcast on the date of the consultations (50 CFR 660.411(a)(2)).

Inseason Action

Inseason Action #25

Description of the action: Inseason action #25 modified the fishing days per calendar week in the NOF recreational salmon fishery in the Westport subarea from five days per week (Sunday through Thursday) to seven days per week, beginning at 12:01 a.m. on Friday, August 6, 2021.

Effective date: Inseason action #25 took effect on August 6, 2021, and remains in effect until superseded.

Reason and authorization for the action: The 2021 management measures opened the recreational ocean salmon fishery in the Westport subarea seven days per week between June 19–26, 2021, and five days per week (Sunday through Thursday) between June 27-September 15, 2021 (86 FR 26425, May 14, 2021). The intent of limiting the fishing days per calendar week starting June 27, 2021, was to sustain season length. However, in the first six weeks of recreational fishing in the Westport subarea, June 19 through July 25 and with just over a month left in the season, only 9 percent of the subarea's coho salmon quota and 31 percent of the subarea's Chinook salmon guideline were landed. Consistent with preseason planning and management objectives, inseason action #25 was taken to provide greater fishing opportunity for the public to access the available coho salmon quota and Chinook salmon guideline and to provide economic benefit to the fishery dependent community. Based on landings to date, anticipated fishing effort, and projected catch, this action is not expected to result in reducing season length.

The NMFS West Coast Region Regional Administrator (RA) considered the landings of Chinook and coho salmon in the NOF recreational salmon fishery to date, fishery effort to date as well as anticipated under the proposal,

and the recreational Chinook salmon guideline and coho salmon quotas remaining. The RA determined that inseason action #25 was necessary to meet preseason planning and management objectives to allow access to available salmon quota and support the economy of fishery dependent communities while remaining consistent with the applicable salmon management and conservation objectives. The modification of recreational fishing days per calendar week is authorized by 50 CFR 660.409(b)(1)(iii).

Consultation date and participants: Consultation on inseason action #25 occurred on August 3, 2021. Representatives from NMFS, WDFW, ODFW, and the Council participated in this consultation.

All other restrictions and regulations remain in effect as announced for the 2021 ocean salmon fisheries (86 FR 26425, May 14, 2021), as modified by previous inseason action (86 FR 34161, June 29, 2021; 86 FR 37249, July 15, 2021; 86 FR 40182, July 28, 2021; 86 FR 43967, August 11, 2021).

The NMFS West Coast Region RA determined that this inseason action was warranted based on the best available information on Pacific salmon abundance forecasts, landings to date, and anticipated fishery effort and projected catch. The states manage the fisheries in state waters adjacent to the areas of the U.S. exclusive economic zone (3–200 nautical miles (5.6–370.4 kilometers) off the coasts of the states of Washington, Oregon, and California) consistent with these Federal actions. As provided by the inseason notice procedures at 50 CFR 660.411, actual notice of the described regulatory action was given, prior to the time the action was effective, by telephone hotline numbers 206–526–6667 and 800–662–9825, and by U.S. Coast Guard Notice to Mariners broadcasts on Channel 16 VHF–FM and 2182 kHz.

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA). This action is authorized by 50 CFR 660.409, which was issued pursuant to section 304(b) of the MSA, and is exempt from review under Executive Order 12866.

Pursuant to 5 U.S.C. 553(b)(3)(B), there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment would be impracticable and contrary to the public interest. Prior notice and opportunity for public comment on this action was impracticable because NMFS had insufficient time to provide for prior notice and the opportunity for public comment between the time Chinook and coho salmon abundance, catch, and effort information was developed and fisheries impacts were calculated, and the time the fishery modifications had to be implemented in order to ensure that fisheries are managed based on the best scientific information available. As previously noted, actual notice of the regulatory action was provided to fishers through telephone hotline and radio notification. This action complies with the requirements of the annual management measures for ocean salmon fisheries (86 FR 26425, May 14, 2021), the FMP, and regulations implementing the FMP under 50 CFR 660.409 and 660.411.

There is good cause under 5 U.S.C. 553(d)(3) to waive the 30-day delay in effective date, as a delay in effectiveness of this action would restrict fishing at levels inconsistent with the goals of the FMP and the current management measures.

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. 2021–18566 Filed 8–27–21; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 86, No. 165
Monday, August 30, 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 TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2021–0676; Airspace Docket No. 21–AWP–33]

RIN 2120–AA66

Proposed Amendment of United States Area Navigation Route (RNAV) Q–15; Western United States

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend United States Area Navigation route (RNAV) Q–15 in order to safely segregate overflight, arrival and departure traffic, and military operations in the high altitude airspace between Las Vegas, NV and Phoenix, AZ.

DATES: Comments must be received on or before October 14, 2021.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590; telephone: 1 (800) 647–5527, or (202) 366–9826. You must identify FAA Docket No. FAA–2021–0676; Airspace Docket No. 21–AWP–33 at the beginning of your comments. You may also submit comments through the internet at *https://www.regulations.gov*. FAA Order 7400.11E, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *https://www.faa.gov/air_traffic/publications/*. For further information, you can contact the Rules and Regulations 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: Christopher McMullin, Rules and Regulations Group, Office of Policy, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783.

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 the 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 modify the route structure as necessary to preserve the safe and efficient flow of air traffic within the National Airspace System (NAS).

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 (FAA Docket No. FAA–2021–0676; Airspace Docket No. 21–AWP–33) and be submitted in triplicate to the Docket Management Facility (see **ADDRESSES** section for address and phone number). You may also submit comments through the internet at *https://www.regulations.gov*.

Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to FAA Docket No. FAA–2021–0676; Airspace Docket No. 21–AWP–33.'' The postcard will be date/time stamped and returned to the commenter.

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

Availability of NPRM

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 **ADDRESSES** section for 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 office of the Operations Support Group, Western Service Center, Federal Aviation Administration, 2200 South 216th St., Des Moines, WA 98198.

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.

Background

One of the main responsibilities of the Los Angeles Air Route Traffic Control Center (ARTCC) (ZLA) is separating and sequencing en route, arrival, and departure traffic in the vicinity of Las Vegas, NV. The operational complexity of this airspace is affected not only by traffic volume, but by the airspace limitations imposed by the large amount of Special Use Airspace (SUA) in the Desert Southwest.

RNAV route Q–13 is the primary route utilized for Phoenix, AZ (PHX) arrivals from the Bay Area, Seattle, Portland, and the Pacific Northwest, including Alaska and Canada. The letter of agreement (LOA) between ZLA and Albuquerque ARTCC (ZAB) requires that aircraft handed off to ZAB at or below FL290. There has been a significant increase in traffic filing Q–13 traveling northwest, which has caused increased complexity for arrivals landing at PHX.

RNAV route Q–15 currently terminates at CHILY, just west of Prescott Regional airport (PRC) Prescott, AZ. The intention of extending Q–15 from CHILY to NABOB is to provide air traffic controllers, through automation and industry outreach, one direction airways in that area for Q–13 and Q–15 between waypoints where both would intersect between NABOB and HOUZZ. This proposal would allow traffic traveling southeast from HOUZZ to NABOB to utilize RNAV route Q–13 and traffic traveling northwest to utilize RNAV route Q–15, allowing for a smoother traffic flow in that area.

The Proposal

The FAA is proposing an amendment to 14 CFR part 71 to amend RNAV route Q–15 in order to safely segregate overflight, arrival and departure traffic, and military operations in the high altitude airspace between Las Vegas, NV and Phoenix, AZ. The full legal description are included in the Rule section below.

Q–15: Q–15 currently extends from CHILY to LOMIA. The FAA proposes to add an extension to the route from NABOB to CHILY. The rest of the route will remain unchanged.

RNAV routes are published in paragraph 6009 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 RNAV route listed in this document would be published subsequently in the Order.

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

Regulatory Notices and Analyses

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

Environmental Review

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

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

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

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

§ 71.1 [Amended]

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

Paragraph 2006 United States Area Navigation Routes.

* * * * *

Q–15 NABOB, AZ to LOMIA, NV [Amend]

NABOB, AZ FIX
(Lat. 34°19′40.60″ N, long. 111°18′53.90″ W)
CHILY, AZ WP
(Lat. 34°42′48.61″ N, long. 112°45′42.27″ W)
DOVEE, NV WP
(Lat. 35°26′51.07″ N, long. 114°48′00.94″ W)
SOTOO, NV WP
(Lat. 36°17′22.55″ N, long. 116°13′14.12″ W)
HOUZZ, NV WP
(Lat. 36°36′43.75″ N, long. 116°36′37.60″ W)
FUULL, NV WP
(Lat. 37°16′52.93″ N, long. 117°10′13.96″ W)
SKANN, NV WP
(Lat. 37°22′52.68″ N, long. 117°15′54.53″ W)
LOMIA, NV WP
(Lat. 39°13′11.57″ N, long. 119°06′22.95″ W)

* * * * *

Issued in Washington, DC, on August 24, 2021.

George Gonzalez,

Acting Manager, Rules and Regulations Group.

[FR Doc. 2021–18515 Filed 8–27–21; 8:45 am]

BILLING CODE 4910–13–P

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

29 CFR Part 2702

Freedom of Information Act Procedural Rules

AGENCY: Federal Mine Safety and Health Review Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Mine Safety and Health Review Commission (the Commission) is proposing revisions to its rules implementing the Freedom of Information Act (FOIA) in light of the FOIA Improvement Act of 2016, its experience under the rules, the need to update its fee schedule, and the need to update and clarify a number of its FOIA procedures. These proposed changes ensure rapid and effective procedures for requesting information and processing requests under the FOIA.

DATES: Send comments on or before September 29, 2021.

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

- *Email: RulesComments@fmshrc.gov.* Include ''Comments on FOIA rules'' in the subject line of the message.
- *Mail:* Michael A. McCord, General Counsel, Office of the General Counsel, Federal Mine Safety and Health Review Commission, 1331 Pennsylvania Avenue NW, Suite 520N, Washington, DC 20004–1710.

All comments received will be posted without change to *www.fmshrc.gov/content/proposed-foia-rules,* including any personal information provided.

FOR FURTHER INFORMATION CONTACT: Michael A. McCord, General Counsel, 202–434–9900, *MMccord@fmshrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

The Commission is an independent adjudicatory agency that provides hearings and appellate review of cases arising under the Federal Mine Safety and Health Act of 1977 (the ''Mine Act''). Hearings are held before the Commission's Administrative Law Judges, and appellate review is provided by a five-member Review Commission appointed by the President and confirmed by the Senate.

In accordance with the amendments made by the FOIA Improvement Act of 2016, Public Law 114–185, 130 Stat. 538, to the Freedom of Information Act, 5 U.S.C. 552, the Commission is proposing to revise its rules on procedures for the disclosure of records under the FOIA, including procedures for engaging in dispute resolution through the FOIA Public Liaison and the Office of Government Information Services (''OGIS'') and the requirement that requesters be given a minimum of 90 days to file an administrative FOIA appeal.

Additionally, the proposed revisions include clarification on the types of information that a requester must provide in order to facilitate a FOIA search of the agency's records, additional circumstances under which expedited processing will be granted, and increases in certain fees. Based on its years of experience in implementing the FOIA, the Commission is proposing the changes set forth below in its FOIA rules to better reflect agency practice under the rules and to clarify our FOIA processes to the requester community. Lastly, while the proposed rules retain much of the substantive practices and procedures in effect prior to this proposal, they have been extensively reorganized under new section headers and paragraph headers. The Commission is also proposing adding two new procedural rules, one addressing confidential commercial Information and the other addressing the preservation of records.

II. Section-by-Section Analysis

Part 2702—Regulations Implementing the Freedom of Information Act

§§ 2702.3 through 2702.8 [Redesignated]

Old section	New section(s)
2702.3(b)	2702.4(a) and (d)(1), 2702.5
2702.3(c)	2702.4(b) and (c)
2702.3(d)	2702.4(b)(2)
2702.3(e)	2702.4(b)(3)
2702.3(f)	2702.4(d)(3), 2702.5(e)
2702.3(g)	2702.4(d)(2)
2702.4	2702.7
2702.5	2702.8
2702.6	2702.9
2702.7	2702.10
2702.8	2702.11

29 CFR 2702.1

The Commission is revising 29 CFR 2702.1 to explain that the purpose of these rules is to establish procedures to implement the FOIA as amended by the FOIA Improvement Act of 2016. The Commission is also amending 29 CFR 2702.1 to make three non-substantive revisions: (1) Adding the short name of ''the Mine Act'' for the Mine statute; (2) clarifying that the Commission reviews legal disputes between private parties ''arising under the Mine Act;'' and (3) updating reference to the Commission's website to include that the FOIA guide is located specifically at the web address *https://www.fmshrc.gov/guides/foia-guide.*

29 CFR 2702.3

The Commission is revising 29 CFR 2702.3 to limit the section's focus to the proper procedure for making a FOIA request and to reorganize the information provided in the rule so that the requirements are more reader friendly. In addition, new paragraph headers have been added.

The information in § 2702.3(a), which was previously provided in paragraph form, has been enumerated, thereby making it easier to identify the number of requirements that must be met and to distinguish each requirement.

Pursuant to the authority of 5 U.S.C. 552(a)(3)(A), a new requirement has been added at newly added § 2702.3(a)(3), which requires requesters seeking information from cases that have come before or are currently before the Commission to provide the Commission assigned docket number (beginning with CENT, KENT, LAKE, PENN, SE, VA, WEST, WEVA or YORK) and/or the related Mine Safety and Health Administration (MSHA) issued citation or order number (not to be confused with the MSHA case number) when making a request. This change is consistent with long-standing Commission practice and is necessary in order to effectively search the Commission's docketing database.

In newly added § 2702.3(a)(4), the language ''shall describe the particular record requested to the fullest extent possible'' has been replaced with ''reasonably describe the particular record(s) requested.'' ''Reasonably describe'' is taken directly from the FOIA, 5 U.S.C. 552(a)(3)(A).

The information previously contained in § 2702.3(b), (f), and (g), which explained the Commission's procedure for responding to requests and the FOIA appeals process, has been redesignated as new §§ 2702.4 and 2702.5. New § 2702.3(b) now briefly explains the format and timing of requests for expedited processing and for fee waivers.

The information previously contained in § 2702.3(c), which explained the Commission's procedure for taking additional time to process requests involving ''unusual circumstances,'' has been redesignated as new § 2702.4. New § 2702.3(c) advises individuals to refer to the Commission's Privacy Act regulations for instructions if seeking records on him or herself that do not include cases currently or previously on review before the Commission.

The information previously contained in § 2702.3(d) discussing additional time to respond has been redesignated as new § 2702.4(b). New § 2702.3(d) now explains the procedure for properly submitting a FOIA request to the Commission.

The information previously contained in § 2702.3(e) discussing expedited processing has been redesignated as newly added § 2702.4(b)(3).

29 CFR 2702.4

The information previously contained in § 2702.4, which explained the types of records generally maintained by the Commission and how they may be publicly accessed, has been redesignated as new § 2702.7.

Section 2702.4 now contains language previously found in § 2702.3. This section now clarifies the Commission's procedures for responding to requests, processing requests, and making request determinations, and explains its long-standing multi-track processing system. Much of this information was relocated from § 2702.3.

The information in § 2702.4(a) generally explains the Commission's timetable for making a determination on a FOIA request. It notes that, generally, the Commission will respond to requests in the order they are received. This is not intended as a restriction on

the Commission's ability to prioritize requests differently, if necessary.

Consistent with 5 U.S.C. 552(a)(6)(D)(i), § 2702.4(b) details the agency's longstanding, three-tier multitrack processing system, which includes simple, complex, and expedited processing. Section 2702.4(b)(2) explains the ''unusual circumstances'' that may warrant a delayed response by the Commission.

Pursuant to 5 U.S.C. 552(a)(6)(E)(i)(II), newly added § 2702.4(b)(3) explains the time requirements for making requests for expedited processing and includes a new agency-specific criterion for requesters seeking expedited processing. The new criterion, paragraph (b)(3)(iii), allows parties engaged in litigation before the Commission to request expedited processing if the record is required to meet a fast-approaching deadline set by a Commission.

Administrative Law Judge (ALJ) or the Commission. This criterion will be particularly helpful for parties requesting hearing transcripts needed to prepare post-hearing briefs.

Newly added § 2702.4(c) contains the information previously contained in § 2702.3(c)(2) explaining the aggregation of requests.

Newly added § 2702.4(d) explains the various determinations that a Commission FOIA officer can reach when processing a request under the FOIA.

In accordance with the FOIA Improvement Act of 2016, newly added § 2702.4(e) explains the dispute resolution and mediation services available to requesters and the process for attaining these services.

29 CFR 2702.5

The information previously contained in § 2702.5 under header ''Fees applicable—categories of requesters,'' which explained the Commission's categories of requesters for purposes of determining the appropriate fees, has been redesignated as new § 2702.8.

Section 2702.5 now contains language previously found in § 2702.3 and added language explaining the procedures surrounding the various types of FOIA appeals, including the format and timing of appeals and the Commission's process for reviewing appeals. The appeal language was taken from former §§ 2702.3(b), (e)(2), and (f) and 2702.7(b)(2) and consolidated under this new section.

In accordance with the Improvement Act 2016, paragraph (a) reflects the new time period in which a requester has to appeal an adverse determination, that is not more than 90 days after the date of such determination. Paragraphs (a) through (d) include new instructions regarding the required content when filing an appeal. In paragraph (a), we also removed the word ''Chairman'' and added, in its place, the word ''Chair.''

29 CFR 2702.6

The information previously contained in § 2702.6 under header ''Fee schedule,'' has been redesignated as newly added § 2702.9 under the same header. Section 2702.6 now contains the Commission's procedure for the handling of confidential commercial information. While requests for confidential commercial information is not an issue the Commission has typically had to deal with in the past, in recent years it has seen an increase in FOIA requests that in some way relate to potentially sensitive records that mine operators may not want released to the public.

The language was adopted from the regulation template provided by the Department of Justice's Office of Information Policy (''OIP'') in its ''Template for Agency FOIA Regulations,'' published on February 22, 2017. The section mirrors OIP's sample language.

Section 2702.6(a) defines ''confidential commercial information'' and ''submitter.'' Section 2702.6(b) informs submitters what steps they must take to protect information they believe should be withheld from disclosure. This provision will be most useful for mining companies submitting sensitive commercial records during the course of litigation before the Commission. Section 2702.6(c) explains the circumstances under which a submitter of confidential commercial information must be notified that the information has been requested and may be disclosed. It describes the different ways the Commission may satisfy the notice requirement and describes the content that must be included in the notice.

Section 2702.6(d) explains the exceptions to the submitter notice requirements. Section 2702.6(e) sets forth the process for submitters to object to disclosures. The section goes on to explain the Commission's process for addressing objected disclosures and the notices it will provide to both submitter and requester.

29 CFR 2702.7

The information previously contained in § 2702.7 under header ''No fees; waiver or reduction of fees,'' has been redesignated as newly added § 2702.10. Section 2702.7 now contains the information previously found in § 2702.4 discussing the types of records maintained by the Commission and available to the public, as well as how records may be accessed without the need to file a FOIA request. It additionally explains what records are available to the public upon request and generally how the Commission will search for requested records.

Specifically, under FOIA, each agency must make available for public inspection and copying (without the need for a formal FOIA request) the following items: Final opinions and orders issued in the adjudication of administrative cases; policy statements and interpretations that have been adopted by the agency but which were not published in the **Federal Register**; administrative staff manuals that affect members of the public; and records processed and disclosed in response to a FOIA request which the agency has determined have or will become the subject of similar requests for substantially the same records (often referred to as ''FOIA-processed records''). See 5 U.S.C. 552(a)(2).

Historically, agencies have generally provided access to these records in reading rooms located at one or more of the agency's offices. However, with the increased reliance on technology, agencies have eliminated full-time reading rooms and switched to posting the records online where they are easily accessible by the public. While the Commission will continue to permit in-office inspection of records, if requested, it will primarily rely on its e-reading room to satisfy this requirement under the FOIA.

There is one substantive change to this section, which includes a new paragraph (a) that generally describes the availability of the Commission's records. Former paragraphs (a) and (b) have been transposed and relettered as paragraphs (b) and (c). The term ''FOIA Reading Room'' has been replaced with the term ''FOIA in-office review.''

The rule continues to model the statutory language in the FOIA. Additionally, a more detailed listing of materials available at the Commission is provided in the Commission's FOIA Guide, also available on its website.

29 CFR 2702.8

The information previously contained in § 2702.8 under header ''Advance payment of fees; interest; debt collection procedures,'' has been redesignated as newly created § 2702.11.

Section 2702.8, under revised header ''Categories of requesters and applicable fees,'' now contains the information previously found in § 2702.5 discussing fee requester categories. This section includes newly added paragraph (f), which explains that the FOIA office may

require clarification from the requester at times in order to determine proper fee category. The remainder of the section contains several minor stylistic changes to sentence structure, and descriptive headers/titles have also been added to each paragraph.

29 CFR 2702.9

Newly added § 2702.9 contains the information previously found in § 2702.6 under the same header, ''Fee schedule.'' This transferred content continues to outline the various fees charged by the Commission for its FOIA services. Substantively, the language of the section remains largely the same. There are minor revisions to paragraphs (a) and (b) to reflect a more accurate website location and paragraph (b) to reflect the proper rule citation in light of these amendments. The website address in paragraphs (a) and (b) has been modified to include the direct website address for the Commission's FOIA Guide. In paragraph (b), we also removed the word ''Chairman'' and added, in its place, the word ''Chair.''

The Commission is amending the language of paragraph (c) to state that duplication fees will be charged for records that are not routinely kept in electronic format and must be scanned for purposes of satisfying a FOIA request. Additionally, the Commission is amending the duplication fee from $0.15 per page to $0.25 per page to account for the cost of inflation. As most of our records are in electronic format, we expect this increase to have very little impact on the requester community.

29 CFR 2702.10

Newly added § 2702.10 contains the information previously found in § 2702.7 under former header ''No fees; waiver or reduction of fees.'' Now under revised header ''Waivers and reduction of fees,'' this section continues to explain the circumstances under which fees will not be charged and under what circumstances a fee waiver will be granted.

Substantively, the language of the section remains largely the same. Paragraph (b) has been minimally revised to include additional information on the proper Commission procedure for requesting a fee waiver, which is also stated in amended § 2702.3(b). Paragraph (b) has been revised to reflect the proper rule citation in light of these amendments and descriptive headers/titles have been added to paragraphs (a) and (b).

29 CFR 2702.11

Newly added § 2702.11 under header ''Payment of fees; advance payments; interest, debt collection,'' contains the information previously found in § 2702.8 under former header ''Advance payment of fees; interest; debt collection procedures.'' This section continues to explain when advance payment of fees could be required, when interest charges could be assessed, and that delinquent payments would be referred to debt collection.

Substantively, the language of the section remains the same with one key exception. New paragraph (a) now explains the process for remitting payment to the Commission for FOIA services rendered. Additionally, paragraph (b), formerly paragraph (a), has been reworded for concision, but substantively remains the same. Descriptive headers/titles have also been added to each paragraph.

29 CFR 2702.12

Newly added § 2702.12 under header ''Preservation of records,'' is a new addition to the Commission's FOIA rules. This section explains the Commission's procedure and time frames for the maintenance of its FOIA records. We believe this section will be very helpful for FOIA requesters who seek records going back a certain number of years and who are trying to determine the scope of their request prior to submission. This is a relatively common occurrence with Commission FOIA requests. This rule is intended to decrease processing times by eliminating the added correspondence that often ensues as a result of a requester seeking records that are outside of the required maintenance period.

III. Matters of Regulatory Procedure

The Commission is an independent regulatory agency, and as such, is not subject to the requirements of Executive Order (''E.O.'') 12866 (Sept. 30, 1993; 58 FR 51735, Oct. 4, 1993); E.O. 13563 (Jan. 18, 2011; 76 FR 3821, Jan. 21, 2011); E.O. 13771 (Jan. 30, 2017; 82 FR 9339, Feb. 3, 2017); or E.O. 13777 (Jan. 30, 2017; 82 FR 12285, Mar. 1, 2017). The proposed regulatory amendments also do not have Federal implications or ''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.'' Therefore, E.O. 13132 is not applicable.

The Commission's Chair has determined that this proposed rule will not ''have a significant economic impact on a substantial number of small entities'' under the Regulatory Flexibility Act (''RFA'') (5 U.S.C. 605) due to the limited scope of the rule and its impact of streamlining the procedures required under FOIA. The Commission has also determined that the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) does not apply because these rules do not contain any information collection requirements that require the approval of the OMB.

List of Subjects in 29 CFR Part 2702

Administrative practice and procedure, Appeals, Confidential commercial information, Freedom of information, Privacy.

■ For the reasons stated in the preamble, the Federal Mine Safety and Health Review Commission proposes to revise 29 CFR part 2702 to read as follows:

PART 2702—REGULATIONS IMPLEMENTING THE FREEDOM OF INFORMATION ACT

Sec.

2702.1 Purpose and scope.
2702.2 Location of offices.
2702.3 Making a request for information.
2702.4 Response to request; processing; determinations.
2702.5 Right to appeal.
2702.6 Confidential commercial information.
2702.7 Materials available.
2702.8 Categories of requesters and applicable fees.
2702.9 Fee schedule.
2702.10 Waivers and reduction of fees.
2702.11 Payment of fees; advance payments; interest; debt collection.
2702.12 Preservation of records.

Authority: 30 U.S.C. 801 *et seq.;* 5 U.S.C. 551, 552, and 552a and 44 U.S.C. 3102 as amended by Public Law 104–231, 110 Stat. 3048, Public Law 110–175, 121 Stat. 2524, and Public Law 114–185, 130 Stat. 538; E.O. 13392, 70 FR 75373, 3 CFR, 2005 Comp., p. 216.

§ 2702.1 Purpose and scope.

The Federal Mine Safety and Health Review Commission (Commission), pursuant to the Federal Mine Safety and Health Act of 1977 (the ''Mine Act''), 30 U.S.C. 801 *et seq.,* is an independent adjudicative agency that provides administrative trial and appellate review of legal disputes arising between the U.S. Department of Labor's Mine Safety and Health Administration (MSHA) and private parties, as well as certain disputes solely between private parties arising under the Mine Act. The purpose of the rules in this part is to establish procedures for implementing the Freedom of Information Act (FOIA), 5 U.S.C. 552, as amended by the

Electronic Freedom of Information Act Amendments of 1996, Public Law 104–231, 110 Stat. 3048, the OPEN Government Act of 2007, Public Law 110–175, 121 Stat. 2524, and the FOIA Improvement Act of 2016, Public Law 114–185, 130 Stat. 538; to provide guidance for those seeking to obtain information from the Commission; and to make all information subject to disclosure pursuant to this subchapter and FOIA, and not otherwise protected by law, readily available to the public. Additional guidance on obtaining information from the Commission can be found in the document entitled ''FOIA Guide,'' which is available for viewing and download on the Commission's website at *https://www.fmshrc.gov/guides/foia-guide.* Hard copies are also available upon written request to the Commission's FOIA Office. The rules in this part apply only to records or information of the Commission or in the Commission's custody. Nothing in this part shall be construed to entitle any person, as of right, to any service or to the disclosure of any record to which such person is not entitled under the FOIA. This part does not affect discovery in adversary proceedings before the Commission. Discovery is governed by the Commission's rules of procedure in 29 CFR part 2700.

§ 2702.2 Location of offices.

The Commission maintains its headquarters office at 1331 Pennsylvania Avenue NW, Suite 520N, Washington, DC 20004–1710. The locations of other Commission offices may be obtained from the Commission's website (*http://www.fmshrc.gov*).

§ 2702.3 Making a request for information.

(a) *Content of request.* All requests for information must:

(1) Be in writing;

(2) Include the words ''Freedom of Information Act Request'' or ''FOIA'' on the face of the request;

(3) Include, if concerning a case that has come before the Commission or a Commission Administrative Law Judge, the Commission case docket number or, in the alternative, the related MSHA citation or order number(s);

(4) Reasonably describe the particular record(s) requested; and

(5) Specify the preferred form or format in which the requester wishes to receive the response. The Commission shall accommodate requests as to form or format if the record is readily reproducible in the requested form or format. When requesters do not specify the preferred form or format of the response, the Commission shall respond in the form or format in which the record is most accessible to the Commission.

(b) *Optional content considerations.* If the requester desires expedited processing or a waiver or reduction of fees, such requests must be in writing and should be included in the initial request for information filed in accordance with paragraph (a) of this section. See §§ 2702.4(b)(3) and 2702.10 for additional requirements.

(c) *Personal records.* For individuals seeking access to their records, not including Commission files generated in adversary proceedings under the Mine Act, please see the Commission's Privacy Act rules at 29 CFR part 2705.

(d) *Submitting a request.* Requests must be submitted via:

(1) The Commission's FOIA Request form located on the Commission's website at *https://www.fmshrc.gov/foia/foia-request-form;* or by

(2) Email, mail, fax or hand delivery to the Chief FOIA Officer at *FOIA@FMSHRC.gov,* Federal Mine Safety and Health Review Commission, Attn: Chief FOIA Officer,1331 Pennsylvania Avenue NW, Suite 520N, Washington, DC 20004–1710, Fax: 202–434–9944.

§ 2702.4 Response to request; processing; determinations.

(a) *Response to request.* Upon receipt of a request, a determination to grant, deny, or partially grant the request will be made within 20 business days by the Commission's FOIA Office, except in unusual circumstances, as described in paragraph (b) of this section. Generally, the Commission will respond to requests according to their order of receipt.

(b) *Processing time.*

(1) *Simple track.* Except in circumstances described in paragraph (b)(2) or (3) of this section, upon receipt of a request, a Commission FOIA officer will reach a determination to grant, deny, or partially grant the request within 20 business days after receipt by the Commission's FOIA Office.

(2) *Complex track.* In unusual circumstances, it may not be possible for the agency to reach a determination within 20 business days. When additional time is needed to respond to the initial request, the Commission shall notify the requester in writing within the 20 business day period, describe the circumstances causing the delay, and indicate the anticipated date for a substantive response that may not exceed 10 additional business days, except as provided in paragraph (b)(2)(i) of this section.

(i) Unusual circumstances that may warrant delay include:

(A) The need to search for and collect the requested records from facilities that are separate from the office processing the request;

(B) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records that are requested in a single request;

(C) The need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request, or among two or more components of the agency having substantial subject matter interest in the request; and

(D) The need to consult with the submitter of the records being requested.

(ii) With respect to a request for which a written notice has extended the time limit by 10 additional business days, if the Commission determines that it cannot make a response determination within that additional 10 business day period, the requester will be notified and provided an opportunity to limit the scope of the request so that it may be processed within the extended time limit, or an opportunity to arrange an alternative time frame for processing the request or a modified request.

(3) *Expedited track.* While it is recommended that a request for expedited services be submitted with the initial § 2702.3(a) request, such request may be made at any time. A person may request expedited processing of a § 2702.3(a) request for records in cases where the requester can demonstrate a compelling need for said records. Requesters will be notified of the determination in accordance with paragraph (d)(4) of this section. A demonstration of compelling need by a person making a request for expedited processing shall be made by a statement certified by such person to be true and correct to the best of his knowledge and belief. For purposes of this paragraph (b)(3), a ''compelling need'' means:

(i) That a failure to obtain the requested records on an expedited basis could reasonably be expected to pose an imminent threat to the life or physical safety of an individual; or

(ii) The information is urgently needed by a person primarily engaged in disseminating information in order to inform the public concerning actual or alleged Federal Government activity; or

(iii) The records are necessary to assist with meeting an impending deadline set by a Commission Judge or the Commission in a pending case to which the requester is a party.

(c) *Aggregated requests.* Whenever it reasonably appears that certain requests

by the same requester, or a group of requesters acting in concert, actually constitute a single request that would otherwise satisfy the unusual circumstances specified in this section, and the requests involve clearly related matters, such requests may be aggregated for purposes of this paragraph (c). Multiple requests involving unrelated matters will not be aggregated.

(d) *Determinations.*

(1) *Full grant of request.* Unless a Commission FOIA officer reasonably foresees that disclosure would harm an interest protected by one of the nine statutory exemptions found at 5 U.S.C. 552(b) or determines that disclosure is prohibited by law, all relevant records obtained through reasonable search efforts shall be provided within the relevant time period described in paragraph (b) of this section.

(2) *Partial grant/denial of request.* Any reasonably segregable portion(s) of a record shall be provided to the person requesting it after the deletion of any exempt portion(s) of the record. The applicable exemption(s) and the amount of information deleted shall be indicated on the released portion(s) of the record, at the place in the record the deletion is made if technically feasible, unless indicating the extent of the deletion would harm an interest protected by the exemption pursuant to which the deletion is made.

(3) *Denial of request.* In denying a request for records, the Commission shall state the reason for the denial and the applicable exemption; set forth the name and title or position of the person responsible for the denial of the request; make a reasonable effort to estimate the volume of the records denied; and provide this estimate to the person making the request, unless providing such an estimate would harm an interest protected by the exemption pursuant to which the request is denied.

(4) *Determination of request to expedite.* Notice of the determination whether to grant expedited processing in response to a requester's claim of compelling need shall be provided to the person making the request within 10 days after receipt of the request for expedited processing.

(5) *Determination of fee waiver/reduction request.* The Chief FOIA Officer or designated employee, upon request, shall determine whether a waiver or reduction of fees is warranted. See § 2702.10 for additional information.

(e) *Dispute resolution.* At any time during the processing of a request, requesters may seek dispute resolution assistance from the Commission's FOIA Public Liaison at *FOIA-Liaison@fmshrc.gov.* In the event of an adverse determination, requesters may file an appeal in accordance with § 2702.5 and/or obtain mediation and dispute resolution services from the Commission's FOIA Public Liaison, as well as from the Office of Government Information Services (''OGIS'') at *https://archives.gov/ogis.* Additional information regarding dispute resolution can be found on the Commission's website at *https://www.fmshrc.gov/content/foia-public-liaison.*

§ 2702.5 Right to appeal.

(a) *Generally.* Any requester adversely affected by a final decision of the Commission's FOIA Office may file an appeal of that decision within 90 days of the initial determination. All FOIA appeals must be in writing and shall be made to the Chair of the Commission. Sitting Commissioners will decide appeals within 20 business days after receipt. In the event that a sitting Commissioner is the subject of the disputed FOIA records or has a substantial interest in the disputed records, that Commissioner should be recused from consideration of said FOIA appeal. In the event of a tie vote of those Commissioners, the FOIA Office's initial determination will be deemed approved by the Commission. Appeals must be submitted via email, mail, fax or hand delivery to *FOIA-appeals@fmshrc.gov,* Federal Mine Safety and Health Review Commission, 1331 Pennsylvania Avenue NW, Suite 520N, Washington, DC 20004–1710, Fax: 202–434–9944.

(b) *Appeal of denial or partial denial of information request.* The appeal must include a copy of the initial FOIA request, a copy of the determination denying the request in whole or in part, and a detailed statement explaining why the initial determination should be reversed. Any records to be disclosed by the Commission to the requester shall be provided with the letter setting forth the determination as to the appeal or shall be sent as soon as possible thereafter.

(c) *Appeal of denial of request to expedite.* The appeal must include a copy of the initial request to expedite, a copy of the determination denying the request, and a detailed explanation demonstrating a compelling need as stated in § 2702.4(b)(3). The Commission will provide expeditious consideration of administrative appeals of determinations on whether to provide expedited processing. Once a determination has been made to grant expedited processing, the Commission will process the request as soon as practicable.

(d) *Appeal of denial of fee waiver or reduction.* The appeal must include a copy of the initial fee waiver/reduction request, a copy of the determination denying the request, and a detailed statement explaining how the request satisfies one or more requirements in § 2702.10(b).

(e) *Denial of appeal.* If an appeal is denied, the Commission's notice of denial shall inform the requester of the right to obtain judicial review of the Commission's action under 5 U.S.C. 552(a)(4)(B)–(G). The requester may appeal the Commission's decision by filing a complaint in the district court of the United States in the district in which the complainant resides, or has its principal place of business, or in which the agency records are situated, or in the District of Columbia.

§ 2702.6 Confidential commercial information.

(a) *Definitions.*

(1) *Confidential commercial information* means commercial or financial information obtained by the agency from a submitter that may be protected from disclosure under Exemption 4 of the FOIA, 5 U.S.C. 52(b)(4).

(2) *Submitter* means any person or entity, including a corporation, State, or foreign government, but not including another Federal Government entity, that provides confidential commercial information, either directly or indirectly to the Federal Government.

(b) *Designation of confidential commercial information.* A submitter of confidential commercial information must use good faith efforts to designate by appropriate markings, at the time of submission, any portion of its submission that it considers to be protected from disclosure under Exemption 4. These designations expire 10 years after the date of the submission unless the submitter requests and provides justification for a longer designation period.

(c) *When notice to submitters is required.*

(1) The Commission will promptly provide written notice to the submitter of confidential commercial information whenever records containing such information are requested under the FOIA if the Commission determines that it may be required to disclose the records, provided:

(i) The requested information has been designated in good faith by the submitter as information considered protected from disclosure under Exemption 4; or

(ii) The Commission has a reason to believe that the requested information

may be protected from disclosure under Exemption 4, but has not yet determined whether the information is protected from disclosure.

(2) The notice must either describe the commercial information requested or include a copy of the requested records or portions of records containing the information.

(d) *Exceptions to submitter notice requirements.* The notice requirements of this section do not apply if:

(1) The Commission determines that the information is exempt under the FOIA, and therefore will not be disclosed;

(2) The information has been lawfully published or has been officially made available to the public;

(3) Disclosure of the information is required by a statute other than the FOIA or by a regulation issued in accordance with the requirements of Executive Order 12600 of June 23, 1987; or

(4) The designation made by the submitter under paragraph (b) of this section appears obviously frivolous. In such case, the Commission will give the submitter written notice of any final decision to disclose the information within a reasonable number of days prior to a date specified for disclosure.

(e) *Opportunity to object to disclosure.*

(1) If the submitter objects to disclosure of any of the requested information, a written response to the notice issued under paragraph (c) of this section must be submitted to the Commission within 30 calendar days of the date of the notice.

(2) The response must include a detailed statement that specifies all grounds for withholding the particular information under any exemption of the FOIA. In order to rely on Exemption 4 of the FOIA as a basis for nondisclosure, the submitter must explain why the information constitutes a trade secret or commercial or financial information that is confidential.

(3) A submitter who fails to respond within 30 calendar days will be considered to have no objection to disclosure of the information. The Commission is not required to consider any information received after the date of any disclosure decision. Any information provided by a submitter under this part may itself be subject to disclosure under the FOIA.

(f) *Analysis of objections.* The Commission will consider a submitter's objections and specific grounds for nondisclosure in deciding whether to disclose the requested information.

(g) *Notice of intent to disclose.* Whenever the Commission decides to disclose information over the objection of a submitter, the Commission will provide the submitter written notice, which shall include:

(1) A statement of the reasons why each of the submitter's disclosure objections was not sustained;

(2) A description of the information to be disclosed or copies of the records as the Commission intends to release them; and

(3) A specified disclosure date, which must be a reasonable time after the notice.

(h) *Notice of FOIA lawsuit.* Whenever a requester files a lawsuit seeking to compel the disclosure of confidential commercial information, the agency must promptly notify the submitter.

(i) *Requester notification.* The Commission will notify the requester whenever it provides the submitter with notice and an opportunity to object to disclosure; whenever it notifies the submitter of its intent to disclose the requested information; and whenever a submitter files a lawsuit to prevent the disclosure of the information.

(j) *Effect of disclosure.* Once a record has been disclosed by the Commission to any requester, that record will no longer be deemed confidential commercial information and protected under this section.

§ 2702.7 Materials available.

(a) *Records.* Except for records and information under seal or exempted from disclosure, all records of the Commission or in its custody are available to any person who requests them in accordance with § 2702.3. Records include any information that would be a record subject to the requirements of 5 U.S.C. 552 when maintained by the Commission in any format, including electronic format.

In response to FOIA requests, the Commission will search for records manually or by automated means, except when an automated search would significantly interfere with the operation of the Commission's automated information system.

(b) *FOIA e-reading room.* Materials created on or after November 1, 1996, under this paragraph (b) may be accessed electronically through the Commission's website at *https://www.fmshrc.gov/foia/e-reading-room.* Materials available include, but are not limited to:

(1) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

(2) Those statements of policy and interpretations which have been adopted by the agency and are not published in the **Federal Register**;

(3) Administrative staff manuals and instructions to staff that affect a member of the public;

(4) Copies of all records, regardless of form or format, which have been released to any person under this part and which, because of the nature of their subject matter, the Commission has determined have become or are likely to become the subject of subsequent requests for substantially the same records; and

(5) A general index of records referred to under this paragraph (b).

(c) *FOIA in-office review.* Materials are also available for inspection and copying at the Commission's headquarters located at 1331 Pennsylvania Avenue NW, Suite 520N, Washington, DC 20004–1710.

§ 2702.8 Categories of requesters and applicable fees.

(a) *Commercial requesters.* When documents are requested for commercial use, the requester will be assessed the full direct costs of searching for, reviewing for release, and duplicating the records sought.

(b) *Educational or noncommercial scientific institutions requesters.* When records are being requested by educational or noncommercial scientific institutions whose purpose is scholarly or scientific research, and not for commercial use, the requester will be assessed only for the cost of duplicating the records sought, but no charge will be made for the first 100 paper pages reproduced.

(c) *News media requesters.* When records are being requested by representatives of the ''news media,'' as defined by 5 U.S.C. 552(a)(4)(A)(ii) of the FOIA, the requester will be assessed only for the cost of duplicating the records sought, but no charge will be made for the first 100 paper pages reproduced. When records are being requested by representatives of the news media.

(d) *Other requesters.* For any other request not described in paragraphs (a) through (c) of this section, the requester will be assessed the full direct costs of searching for and duplicating the records sought, except that no charge will be made for the first two hours of manual search time and the first 100 paper pages of reproduction.

(e) *Requesters acting in concert.* For purposes of paragraphs (b) through (d) of this section, whenever it reasonably appears that a requester, or a group of requesters acting in concert, is attempting to break down a single request into a series of requests relating to the same subject matter for the purpose of evading the assessment of

fees, such requests will be aggregated and fees assessed accordingly.

(f) *Clarification of records use.* Where the FOIA officer has reasonable cause to doubt the use to which a requester will put the records sought, or where that use is not clear from the request itself, the FOIA officer may seek clarification from the requester before assigning the request to a specific category for fee assessment purposes.

§ 2702.9 Fee schedule.

(a) *Search fee.* The fee for searching for information and records shall be the salary rate (that is, basic pay plus 16%) of the employee making the search. This hourly rate is listed in the Commission's FOIA Guide at *https://www.fmshrc.gov/guides/foia-guide.* Fees for searches of computerized records shall be the actual cost to the Commission but shall not exceed $300 per hour. This fee includes machine time and that of the operator and clerical personnel. If search charges are likely to exceed $50, the requester shall be notified of the estimated amount of fees, unless the requester has indicated in advance his willingness to pay fees as high as those anticipated. Fees may be charged even if the documents are not located or if they are located but withheld on the basis of an exemption.

(b) *Review fee.* The review fee shall be charged for the Chief FOIA Officer's initial examination of documents located in response to a request in order to determine if they may be withheld from disclosure, and for the deletion of portions that are exempt from disclosure, but shall not be charged for review by the Chair or the Commissioners. See § 2702.5. The review fee is the salary rate (that is, basic pay plus 16%) of the Chief FOIA Officer or the employee designated to perform the review. This hourly rate is listed in the Commission's FOIA Guide at *https://www.fmshrc.gov/guides/foia-guide.*

(c) *Duplicating fee.* The copy fee for each page of paper up to 8½″ x 14″, including the scanning of pages not routinely stored in electronic format, shall be $.25 per page. When the use of third-party services is required, the fee will be the actual direct cost incurred by the Commission. For copies of records produced on tapes, disks, or other media, the Commission shall charge the direct costs of production of the material, including operator time. For other methods of reproduction or duplication, the Commission will charge the actual direct costs of producing the document(s). If duplication charges are likely to exceed $50, the requester shall be notified of the estimated amount of fees, unless the requester has indicated in advance his willingness to pay fees as high as those anticipated.

§ 2702.10 Waivers and reduction of fees.

(a) *Automatic fee waiver.* No fees shall be charged to any requester, including commercial use requesters, if the anticipated cost of processing and collecting the fee would be equal to or greater than the fee itself. Accordingly, the Commission has determined that fees of less than $20 shall be waived.

(b) *Request for fee waiver or reduction.* A request for fee waiver or reduction shall be made in writing and shall address the criteria outlined in paragraphs (b)(1) through (6) of this section. The request should be submitted with the original request for information filed pursuant to § 2702.3(a). If the request is granted, the documents shall be furnished without any charge, or at a charge reduced below the fees otherwise applicable. A waiver or reduction of fees will be granted only if disclosure of the information is determined to be in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester. The following six factors will be employed in determining when such fees shall be waived or reduced:

(1) The subject of the request: Whether the subject of the requested records concerns ''the operations or activities of the government;''

(2) The informative value of the information to be disclosed: Whether the disclosure is ''likely to contribute'' to an understanding of government operations or activities;

(3) The contribution to an understanding of the subject by the general public likely to result from disclosure: Whether disclosure of the requested information will contribute to ''public understanding;''

(4) The significance of contribution to public understanding: Whether the disclosure is likely to contribute ''significantly'' to public understanding of government operations or activities;

(5) The existence and magnitude of a commercial interest: Whether the requester has a commercial interest that would be furthered by the requested disclosure; and

(6) The primary interest in disclosure: Whether the magnitude of any identified commercial interest of the requester is sufficiently large, in comparison with the public interest in disclosure, that disclosure is ''primarily in the commercial interest of the requester.''

(c) *Determination.* The Chief FOIA Officer, upon request, shall determine whether a waiver or reduction of fees is warranted.

§ 2702. 11 Payment of fees; advance payments; interest; debt collection.

(a) *Payment of fees.* Upon receipt of the invoice or statement detailing the charges incurred for processing, the requester shall make payment within 30 calendar days to the Federal Mine Safety and Health Review Commission or FMSHRC, Attention: Office of the Executive Director, 1331 Pennsylvania Avenue NW, Suite 520N, Washington, DC 20004–1710.

(b) *Advance payment.* Before work is commenced or continued on a request, advance payment may be required if the charges are likely to exceed $250.

(c) *Delinquent requesters.* Requesters who have previously failed to pay FOIA processing fees associated with a prior request, within the time mandated by paragraph (a) of this section, and are unable to demonstrate that the fee was previously paid, may be required to first pay the unpaid balance plus any applicable interest and then make an advance payment of the full amount of the estimated fee before the new or pending request is processed.

(d) *Interest charges.* Interest charges may be assessed on any unpaid bill starting on the 31st day following the day on which the billing was sent, at the rate prescribed in 31 U.S.C. 3717, and will accrue from the date of billing.

(e) *Debt collection.* The Debt Collection Act of 1982, Public Law 97–365, including disclosure to consumer credit reporting agencies and the use of collection agencies, will be utilized to encourage payment where appropriate.

§ 2702.12 Preservation of records.

Pursuant to title 44 of the United States Code or the General Records Schedule 4.2 of the National Archives and Records Administration, the Commission preserves all correspondence pertaining to requests received under this part, as well as copies of all requested records for six years following final agency action or three years after final adjudication by the courts, whichever is later. The Commission will not dispose of or destroy records while they are the subject of a pending request, appeal, or lawsuit under the FOIA.

Dated: August 25, 2021.

Arthur R. Traynor, III

Chair, Federal Mine Safety and Health Review Commission.

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 110

[Docket Number USCG–2020–0154]

RIN 1625–AA01

Anchorage Regulations; Mississippi River, Mile Markers 12 to 85 Above Head of Passes

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

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to amend anchorage regulations for the Lower Mississippi River (LMR) between mile markers (MM) 12 and 85 Above Head of Passes (AHP). This action would modify nine anchorages and establish one new anchorage grounds. The rule would increase the available anchorage areas necessary to accommodate vessel traffic, promote navigational safety, provide for the overall safe and efficient flow of vessel traffic and commerce, and bolster the economy through increased anchorage capacity. We invite your comments on this proposed rulemaking.

DATES: Comments and related material must be received by the Coast Guard on or before September 29, 2021.

ADDRESSES: You may submit comments identified by docket number USCG–2020–0154 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.

FOR FURTHER INFORMATION CONTACT: If you have questions about this proposed rulemaking, call or email Lieutenant Commander Thao Nguyen, Sector New Orleans, U.S. Coast Guard; telephone 504–365–2231, email *Thao.V.Nguyen@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

AHP Above Head of Passes
CFR Code of Federal Regulations
COTP Captain of the Port Sector New Orleans
CPRA Coastal Protection and Restoration Authority
CRPPA Crescent River Port Pilots' Association
DHS Department of Homeland Security
FR Federal Register
LDB Left Descending Bank
LMR Lower Mississippi River
MM Mile Marker
MNSA Maritime Navigation Safety Association
NOI Notice of Inquiry
NPRM Notice of proposed rulemaking
RDB Right Descending Bank
§ Section
U.S.C. United States Code

II. Background, Purpose, and Legal Basis

The legal basis and authorities for this notice of proposed rulemaking are found in 46 U.S.C. 70006, 33 CFR 109.05, 33 CFR 1.05–1, and DHS Delegation No. 0170.1, which collectively authorize the Coast Guard to propose, establish, and define regulatory anchorage grounds. Under Title 33 of the Code of Federal Regulation (CFR) § 109.05, U.S. Coast Guard District Commanders are delegated the authority to establish anchorage grounds by the Commandant of the U.S. Coast Guard. The Coast Guard established Anchorage Grounds under Title 33 CFR 110.1(b), Subpart B (32 FR 17728, Dec. 12, 1967, as amended by 52 FR 33811, Sept. 8, 1987; 63 FR 5526, June 30, 1998).

The Coast Guard proposes to amend nine existing anchorage grounds; Boothville Anchorage (33 CFR 110.195(a)(4)), Magnolia Anchorage (33 CFR 110.195(a)(7)), Davant Anchorage (33 CFR 110.195(a)(9)), Wills Point Anchorage (33 CFR 110.195(a)(11)), Cedar Grove Anchorage (33 CFR 110.195(a)(12)), Belle Chasse Anchorage (33 CFR 110.195(a)(13)), Lower 12 Mile Point Anchorage (33 CFR 110.195(a)(14)), Lower 9 Mile Anchorage (33 CFR 110.195(a)(15)), Point Michel Anchorage (33 CFR 110.195(a)(35)), and to establish one new anchorage grounds—Phoenix Anchorage at 33 CFR 110.195(a)(37).

The project to modify or establish multiple anchorage grounds along the LMR was initiated in 2019. From 2019 through 2021, certain port stakeholders, (including Crescent River Port Pilots' Association (CRPPA), Maritime Navigation Safety Association (MNSA), Coastal Protection and Restoration Authority (CPRA) and United States Coast Guard (USCG)) worked to determine if the proposed modifications were necessary and in suitable locations with consideration given to, among other things, environmental factors.

The Coast Guard published a Notice of Inquiry (NOI), 85 FR 61671, on September 30, 2020. The NOI solicited comments from maritime stakeholders on the proposal to amend ten existing anchorage grounds and to establish two new anchorage grounds. At the end of the comment period, ending on November 30, 2020, we received a total of nine comments. The Coast Guard addresses the comments below.

Seven of the nine comments supported the proposed modifications of existing or establishment of new anchorage grounds along the Lower Mississippi River (LMR); one comment opposed several of the proposed modifications of existing or establishment of new anchorage grounds along the LMR (detailed below), and one comment was outside of the scope of the NOI as it related to change in presidency.

One commenter objected to the following modifications/new anchorages:

(1) 0.6 miles establishment of Phoenix Anchorage located at Mile Marker (MM) 57.82–58.42. The justification provided was that the anchorage could conflict with a borrow source identified for marsh restoration.

The Coast Guard does not agree with this objection. Operations routinely occur along the Mississippi River in and around anchorage grounds and impacts to navigation and work-sites, such as the borrow site, are minimal.

(2) 0.3 miles expansion of Davant Anchorage located at MM 52.8–53.9. The justification was that the anchorage could conflict with a borrow source identified for marsh restoration.

The Coast Guard does not agree with this objection. Operations routinely occur along the Mississippi River in and around anchorage grounds and impacts to navigation and work-sites, such as the borrow site, are minimal.

(3) 0.1 miles expansion of Magnolia Anchorage located at MM 45.5–47.6. The justification was that the anchorage could conflict with a borrow source identified for marsh restoration.

The Coast Guard does not agree with this objection. Operations routinely occur along the Mississippi River in and around anchorage grounds and impacts to navigation and work-sites, such as the borrow site, are minimal.

(4) 0.95 miles expansion of Boothville Anchorage located at MM 13.0–18.5. The justification was that the anchorage could conflict with a borrow source identified for marsh restoration.

The Coast Guard does not agree with this objection. Operations routinely occur along the Mississippi River in and around anchorage grounds and impacts to navigation and work-sites, such as the borrow site, are minimal.

(5) 0.2 miles expansion of Alliance Anchorage located at MM 63.8–65.8. The justification was that the anchorage could conflict with a borrow source identified for marsh restoration.

The Coast Guard does not agree with this objection. Operations routinely

occur along the Mississippi River in and around anchorage grounds and impacts to navigation and work-sites, such as the borrow site, are minimal.

(6) 0.2 miles shift upriver and 0.15 miles expansion of Wills Point Anchorage currently located at MM 66.5–67.6. The proposed location would be MM 66.7–67.9. The provided justification was twofold. First, the shift upriver would directly overlap with the footprint of the Mid-Breton Sediment Diversion intake structure located at MM 68 that is intended to convey sediment, fresh water, and nutrients from the Mississippi River into Mid-Breton Sound Basin to reduce coastal land loss and sustain surrounding wetlands. Second, the anchorage could conflict with a borrow source for marsh restoration.

The Coast Guard agrees that the proposed shift upriver and expansion of the anchorage could pose negative impacts to the Mid-Breton sediment Diversion intake structure. The Coast Guard does not agree with second part of the objection. Operations routinely occur along the Mississippi River in and around anchorage grounds and impacts to navigation and work-sites, such as the borrow site, are minimal.

(7) 0.5 miles establishment of Bertrandville Anchorage located at MM 68.5–69.0. The justification was that the anchorage, being directly upriver of the Mid-Breton Sediment Diversion intake structure, would obstruct the intake flowline and could pose a navigational safety concern.

The Coast Guard agrees that the proposed establishment of an anchorage grounds at this location could pose negative impacts to the Mid-Breton sediment Diversion intake structure.

Note: The following anchorages were mentioned in the opposition comment but are not locations that are being considered for amendment by this rulemaking at this time: Myrtle Grove anchorage and Point Celeste Anchorage.

In March 2021, two additional comments were received from stakeholders. Although these comments were received outside of the NOI comment period, the Coast Guard chose to consider them. In one new comment, the commenter that submitted the opposing comments above withdrew their opposing comments on items 1–4 listed above (Phoenix, Davant, Magnolia, and Boothville Anchorages), but maintained the objections raised in items 5–7 to the expansions of Wills Point Anchorage and Alliance Anchorage and the establishment of Bertrandville Anchorage. The second new comment proposed to remove the establishment of Bertrandville Anchorage from consideration to expand Wills Point Anchorage from MM 66.5–67.9 and decrease the width of the anchorage to 500 feet.

After considering the stakeholder comments, the Coast Guard has decided that: (1) The width reduction at Wills Point Anchorage will be added to this proposed rulemaking, (2) the length expansions and shift at Wills Point Anchorage and the length expansion at Alliance Anchorage would not be further pursued at this time, and (3) the establishment of a new anchorage ground at Bertrandville would not be further pursued at this time.

The purpose of this proposed rule is to improve navigational safety, providing for the overall safe and efficient flow of vessel traffic and commerce, and bolster the economy through increased anchorage capacity, thus streamlining vessel throughput and increasing ship to port interactions.

The Coast Guard is proposing this rulemaking under authority in 46 U.S.C. 70006.

III. Discussion of Proposed Rule

The Commander of Coast Guard District Eight proposes to establish one new anchorage ground and amend nine existing anchorage grounds along the LMR, ranging from MM 12 to MM 85 AHP. There are not currently adequate anchorage grounds along the river system to facilitate the safe anchorage of shallow and deep draft vessels along the LMR. This proposed action would ensure the safety and efficiency of navigation of vessels transiting in and out of the LMR. The specific anchorage boundaries are described in detail in the proposed regulatory text at the end of the document. In general, this proposed rule will have the following effects:

1. Increase the length of the Boothville Anchorage from 5.5 miles to 6.45 miles (33 CFR 110.195(a)(4)).

2. Increase the length of the Magnolia Anchorage from 2.1 miles to 2.2 miles (33 CFR 110.195(a)(7)).

3. Increase the lengh of the Davant Anchorage from 1.1 miles to 1.4 miles (33 CFR 110.195(a)(9)).

4. Decrease the width of the Wills Point Anchorage from 600 feet to 500 feet (33 CFR 110.195(a)(11)).

5. Add a note to the text of the Cedar Grove Anchorage (33 CFR 110.195(a)(12)).

6. Increase the length of the Belle Chasse Anchorage from 2.1 miles to 2.15 miles, and decrease the width from 575 feet to 500 feet (33 CFR 110.195(a)(13)).

7. Add a Note to the text of the Lower 12 Mile Anchorage (33 CFR 110.195(a)(14)).

8. Increase the length of the Lower 9 Mile Anchorage from 2.3 miles to 2.4 miles (33 CFR 110.195(a)(15)).

9. Increase the length of the Point Michel Anchorage from 1.4 miles to 2.2 miles (33 CFR 110.195(a)(35)).

10. Add a new anchorage, the Phoenix Anchorage, to include the area, 0.6 miles in length, along the left descending bank of the river extending from mile 57.82 to mile 58.42 Above Head of Passes. The width of the anchorage is 400 feet. The inner boundary of the anchorage is a line parallel to the nearest bank 400 feet from the water's edge into the river as measured from the LWRP. The outer boundary of the anchorage is a line parallel to the nearest bank 800 feet from the water's edge into the river as measured from the LWRP.

IV. Regulatory Analyses

We developed this proposed 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 NPRM has not been designated a ''significant regulatory action,'' under Executive Order 12866. Accordingly, the NPRM has not been reviewed by the Office of Management and Budget (OMB).

This proposed regulatory action is based on minimal impact to routine navigation. The proposed anchorage areas would not restrict traffic as they are located well outside the established navigation channel. Vessels would still be able to maneuver in, around and through the anchorages.

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 proposed rule would not have a significant economic impact on a substantial number of small entities.

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

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

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 proposed 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. 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.

C. Collection of Information

This proposed rule would 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 proposed 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 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. If you believe this proposed rule has implications for federalism or Indian tribes, please call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

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 proposed rule would not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

F. Environment

We have analyzed this proposed 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 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. This proposed rule involves the establishment of one new anchorage grounds and the modification of nine existing anchorage grounds along the LMR. Normally such actions are categorically excluded from further review under paragraph L of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A preliminary 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. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

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.

V. Public Participation and Request for Comments

We view public participation as essential to effective rulemaking, and will consider all comments and material received during the comment period. Your comment can help shape the outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

We encourage you to submit comments through the Federal eRulemaking Portal at *https://www.regulations.gov.* If your material cannot be submitted using *https://www.regulations.gov,* call or email the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

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 in response to this document, see DHS's eRulemaking System of Records notice (85 FR 14226, March 11, 2020).

Documents mentioned in this NPRM as being available in the docket, and public comments, will be in our online docket at *https://www.regulations.gov* and can be viewed by following that website's instructions. 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. If you go to the online docket and sign up for email alerts, you will be notified when comments are posted or a final rule is published.

List of Subjects in 33 CFR Part 110

Anchorage grounds.

For the reasons discussed in the preamble, the Coast Guard is proposing to amend 33 CFR part 110 as follows:

PART 110—ANCHORAGE GROUNDS

■ 1. The authority citation for part 110 is revised to read as follows:

Authority: 33 U.S.C 2071, 46 U.S.C. 70006, 70034; 33 CFR 1.05–1; Department of Homeland Security Delegation No. 0170.1.

■ 2. Amend § 110.195 by revising paragraphs (a)(4), (7), (9), (11) through (15), and 35, and adding paragraph (a)(37) to read as follows:

§ 110.195 Mississippi River below Baton Rouge, LA, including South and Southwest Passes.

(a) * * *

(4) Boothville Anchorage. An area, 6.45 miles in length, along the right descending bank of the river extending from mile 12.05 to mile 18.5 Above Head of Passes. The width of the

anchorage is 750 feet. The inner boundary of the anchorage is a line parallel to the nearest bank 250 feet from the water's edge into the river as measured from the LWRP. The outer boundary of the anchorage is a line parallel to the nearest bank 1,000 feet from the water's edge into the river as measured from the LWRP.

* * * * *

(7) Magnolia Anchorage. An area, 2.2 miles in length, along the right descending bank of the river extending from mile 45.4 to mile 47.6 Above Head of Passes. The width of the anchorage is 700 feet. The inner boundary of the anchorage is a line parallel to the nearest bank 400 feet from the water's edge into the river as measured from the LWRP. The outer boundary of the anchorage is a line parallel to the nearest bank 1,100 feet from the water's edge into the river as measured from the LWRP.

* * * * *

(9) Davant Anchorage. An area, 1.4 miles in length, along the left descending bank of the river extending from mile 52.5 to mile 53.9 Above Head of Passes. The width of the anchorage is 800 feet.

* * * * *

(11) Wills Point Anchorage. An area, 1.1 miles in length, along the left descending bank of the river extending from mile 66.5 to mile 67.6 Above Head of Passes. The width of the anchorage is 500 feet. The inner boundary of the anchorage is a line parallel to the nearest bank 200 feet from the water's edge into the river as measured from the LWRP. The outer boundary of the anchorage is a line parallel to the nearest bank 700 feet from the water's edge into the river as measured from the LWRP.

(12) Cedar Grove Anchorage. An area, 1.34 miles in length, along the right descending bank of the river extending from mile 69.56 to mile 70.9 Above Head of Passes. The width of the anchorage is 500 feet. The inner boundary of the anchorage is a line parallel to the nearest bank 200 feet from the water's edge into the river as measured from the LWRP. The outer boundary of the anchorage is a line parallel to the nearest bank 700 feet from the water's edge into the river as measured from the LWRP.

Note 1 to paragraph (a)(12): Jesuit Bend Revetment extends/runs adjacent to the lower portion of this anchorage. Mariners are urged to use caution in this anchorage.

(13) Belle Chasse Anchorage. An area, 2.15 miles in length, along the right descending bank of the river extending from mile 73.05 to mile 75.2 Above Head of Passes. The width of the anchorage is 500 feet. The inner boundary of the anchorage is a line parallel to the nearest bank 375 feet from the water's edge into the river as measured from the LWRP. The outer boundary of the anchorage is a line parallel to the nearest bank 875 feet from the water's edge into the river as measured from the LWRP.

(14) Lower 12 Mile Point Anchorage. An area, 2.2 miles in length, along the right descending bank of the river extending from mile 78.6 to mile 80.8 Above Head of Passes. The width of the anchorage is 500 feet. The inner boundary of the anchorage is a line parallel to the nearest bank 300 feet from the water's edge into the river as measured from the LWRP. The outer boundary of the anchorage is a line parallel to the nearest bank 800 feet from the water's edge into the river as measured from the LWRP.

Note 1 to paragraph (a)(14): English Turn Revetment extends/runs adjacent to the lower portion of this anchorage. Mariners are urged to use caution in this anchorage.

(15) Lower 9 Mile Anchorage. An area, 2.4 miles in length, along the right descending bank of the river extending from mile 82.6 to mile 85.0 Above Head of Passes. The width of the anchorage is 500 feet. The inner boundary of the anchorage is a line parallel to the nearest bank 300 feet from the water's edge into the river as measured from the LWRP. The outer boundary of the anchorage is a line parallel to the nearest bank 800 feet from the water's edge into the river as measured from the LWRP.

* * * * *

(35) Point Michel Anchorage. An area, 2.2 miles in length, along the right descending bank of the river extending from mile 40.0 to mile 42.2 Above Head of Passes. The width of the anchorage is 500 feet. The inner boundary of the anchorage is a line parallel to the nearest bank 325 feet from the water's edge into the river as measured from the LWRP. The outer boundary of the anchorage is a line parallel to the nearest bank 825 feet from the water's edge into the river as measured from the LWRP.

* * * * *

(37) Phoenix Anchorage. An area, 0.6 miles in length, along the left descending bank of the river extending from mile 57.82 to mile 58.42 Above Head of Passes. The width of the anchorage is 400 feet. The inner boundary of the anchorage is a line parallel to the nearest bank 400 feet from the water's edge into the river as measured from the LWRP. The outer boundary of the anchorage is a line parallel to the nearest bank 800 feet from the water's edge into the river as measured from the LWRP.

* * * * *

Dated: August 19, 2021.

Richard V. Timme,

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

[FR Doc. 2021–18467 Filed 8–27–21; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R01–OAR–2021–0353; FRL–8916–01–R1]

Air Plan Approval; Connecticut; 2015 Ozone NAAQS Interstate Transport Requirements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Clean Air Act (CAA) requires each State Implementation Plan (SIP) to contain adequate provisions prohibiting emissions that will have certain adverse air quality effects in other states. The State of Connecticut made a submission to the Environmental Protection Agency (EPA) to address these requirements for the 2015 ozone National Ambient Air Quality Standards (NAAQS). EPA is proposing to approve the submission as meeting the requirement that each SIP contain adequate provisions to prohibit emissions that will significantly contribute to nonattainment or interfere with maintenance of the 2015 ozone NAAQS in any other state.

DATES: Written comments must be received on or before September 29, 2021.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R01–OAR–2021–0353 at *https://www.regulations.gov,* or via email to *simcox.alison@epa.gov.* For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. For either manner of submission, EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be

accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.* Publicly available docket materials are available at *https://www.regulations.gov* or at the U.S. Environmental Protection Agency, EPA Region 1 Regional Office, Air and Radiation Division, 5 Post Office Square—Suite 100, Boston, MA. EPA requests that if at all possible, you contact the contact listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding legal holidays and facility closures due to COVID–19.

FOR FURTHER INFORMATION CONTACT: Alison C. Simcox, Air Quality Branch, U.S. Environmental Protection Agency, EPA Region 1, 5 Post Office Square—Suite 100, (Mail code 05–2), Boston, MA 02109—3912, telephone number: (617) 918–1684, email address: *simcox.alison@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean EPA.

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I. Background

On October 1, 2015, EPA promulgated a revision to the ozone NAAQS (2015 ozone NAAQS), lowering the level of both the primary and secondary standards to 0.070 parts per million (ppm).[1] Section 110(a)(1) of the CAA requires states to submit, within 3 years after promulgation of a new or revised standard, SIP submissions meeting the applicable requirements of section 110(a)(2).[2] One of these applicable requirements is found in section 110(a)(2)(D)(i)(I), otherwise known as the good neighbor provision, which generally requires SIPs to contain adequate provisions to prohibit in-state emissions activities from having certain adverse air quality effects on other states due to interstate transport of pollution. There are two so-called ''prongs'' within CAA section 110(a)(2)(D)(i)(I). A SIP for a new or revised NAAQS must contain adequate provisions prohibiting any source or other type of emissions activity within the state from emitting air pollutants in amounts that will significantly contribute to nonattainment of the NAAQS in another state (prong 1), or interfere with maintenance of the NAAQS in another state (prong 2). EPA and states must give independent significance to prong 1 and prong 2 when evaluating downwind air quality problems under CAA section 110(a)(2)(D)(i)(I).[3]

We note that EPA has addressed the interstate transport requirements of CAA section 110(a)(2)(D)(i)(I) with respect to prior ozone NAAQS in several regional regulatory actions, including the Cross-State Air Pollution Rule (CSAPR), which addressed interstate transport with respect to the 1997 ozone NAAQS as well as the 1997 and 2006 fine particulate matter standards,[4] the Cross-State Air Pollution Rule Update (CSAPR Update), and, most recently, the Revised CSAPR Update for the 2008 ozone NAAQS.[5] [6]

Through the development and implementation of CSAPR and other regional rulemakings pursuant to the good neighbor provision,[7] EPA, working in partnership with states, developed the following four-step interstate transport framework to address the requirements of the good neighbor provision for the ozone NAAQS: (1) Identify downwind air quality problems; (2) identify upwind states that impact those downwind air quality problems sufficiently such that they are considered ''linked'' and therefore warrant further review and analysis; (3) identify the emissions reductions necessary (if any), applying a multi-factor analysis, to prevent linked upwind states identified in step 2 from contributing significantly to nonattainment or interfering with maintenance of the NAAQS at the locations of the downwind air quality problems; and (4) adopt permanent and enforceable measures needed to achieve those emissions reductions.

EPA has released several documents containing information relevant to evaluating interstate transport with respect to the 2015 ozone NAAQS. First, on January 6, 2017, EPA published a notice of data availability (NODA) with preliminary interstate ozone transport modeling with projected ozone design values (DVs) for 2023 using a 2011 base year platform, on which we requested public comment.[8] In the NODA, EPA used the year 2023 as the analytic year for this preliminary modeling because that year aligns with the expected attainment year for Moderate ozone nonattainment areas for the 2015 ozone NAAQS.[9] On October 27, 2017, we released a memorandum (2017 memo) containing updated modeling data for 2023, which incorporated changes made in response to comments on the NODA, and noted that the modeling may be useful for states developing SIPs to address good neighbor obligations for the 2008 ozone NAAQS.[10] On March 27, 2018, we issued a memorandum (March 2018 memo) noting that the same 2023 modeling data released in the 2017 memo could also be useful for identifying potential downwind air quality problems with respect to the 2015 ozone NAAQS at step 1 of the

[1] National Ambient Air Quality Standards for Ozone, Final Rule, 80 FR 65292 (October 26, 2015). Although the level of the standard is specified in the units of ppm, ozone concentrations are also described in parts per billion (ppb). For example, 0.070 ppm is equivalent to 70 ppb.

[2] SIP revisions that are intended to meet the applicable requirements of section 110(a)(1) and (2) of the CAA are often referred to as infrastructure SIPs and the applicable elements under section 110(a)(2) are referred to as infrastructure requirements.

[3] *See North Carolina* v. *EPA,* 531 F.3d 896, 909–911 (D.C. Cir. 2008).

[4] *See* 76 FR 48208 (August 8, 2011).

[5] In 2019, the D.C. Circuit Court of Appeals remanded the CSAPR Update to the extent it failed to require upwind states to eliminate their significant contribution by the next applicable attainment date by which downwind states must come into compliance with the NAAQS, as established under CAA section 181(a). *Wisconsin* v. *EPA,* 938 F.3d 303, 313 (D.C. Cir. 2019).

[6] The Revised Cross-State Air Pollution Rule Update for the 2008 Ozone NAAQS, 86 FR 23054 (April 30, 2021), was signed by the EPA Administrator on March 15, 2021, and responded to the remand of the CSAPR Update, 81 FR 74504 (October 26, 2016), and the vacatur of a separate rule, the CSAPR Close-Out, 83 FR 65878 (December 21, 2018), by the D.C. Circuit. *Wisconsin* v. *EPA,* 938 F.3d 303 (D.C. Cir. 2019); *New York* v. *EPA,* 781 F. App'x. 4 (D.C. Cir. 2019).

[7] In addition to the CSAPR rulemakings, other regional rulemakings addressing ozone transport include the NO_X SIP Call, 63 FR 57356 (October 27, 1998), and the Clean Air Interstate Rule (CAIR), 70 FR 25162 (May 12, 2005).

[8] *See* Notice of Availability of the Environmental Protection Agency's Preliminary Interstate Ozone Transport Modeling Data for the 2015 Ozone National Ambient Air Quality Standard (NAAQS), 82 FR 1733 (January 6, 2017).

[9] 82 FR 1733, 1735 (January 6, 2017).

[10] *See* Information on the Interstate Transport State Implementation Plan Submissions for the 2008 Ozone National Ambient Air Quality Standards under Clean Air Act Section 110(a)(2)(D)(i)(I), October 27, 2017, available in the docket for this action or at *https://www.epa.gov/interstate-air-pollution-transport/interstate-air-pollution-transport-memos-and-notices.*

four-step interstate transport framework. The March 2018 memo also included the then newly available contribution modeling results to assist states in evaluating their impact on potential downwind air quality problems for the 2015 ozone NAAQS under step 2 of the interstate transport framework. EPA subsequently issued two more memoranda in August and October 2018, providing additional information to states developing good neighbor SIP submissions for the 2015 ozone NAAQS concerning, respectively, potential contribution thresholds that may be appropriate to apply in step 2 of the framework, and considerations for identifying downwind areas that may have problems maintaining the standard at step 1 of the framework.[11]

On October 30, 2020, in the Notice of Proposed Rulemaking for the Revised CSAPR Update, EPA released and accepted public comment on updated 2023 modeling that used a 2016 emissions platform developed under the EPA/Multi-Jurisdictional Organization (MJO)/state collaborative project as the primary source for the base year and future year emissions data.[12] On March 15, 2021, EPA signed the final Revised CSAPR Update using the same modeling released at proposal.[13] Although Connecticut relied on the modeling included in the March 2018 memo to develop its SIP submission as EPA had suggested, EPA now proposes to primarily rely on the updated and newly available 2016 base year modeling in evaluating these submissions. By using the updated modeling results, EPA is using the most current and technically appropriate information as the primary basis for this proposed rulemaking. EPA's independent analysis, which also evaluated historical monitoring data, recent DVs, and emissions trends, found that such information provides additional support and further substantiates the results of the 2016 base year modeling as the basis for this proposed rulemaking. Section III of this document and the Air Quality Modeling technical support document (TSD) included in the docket for this proposal contain additional detail on this modeling.[14]

In the CSAPR, CSAPR Update, and the Revised CSAPR Update, EPA used a threshold of one percent of the NAAQS to determine whether a given upwind state was ''linked'' at step 2 of the interstate transport framework and would, therefore, contribute to downwind nonattainment and maintenance sites identified in step 1. If a state's impact did not equal or exceed the one percent threshold, the upwind state was not ''linked'' to a downwind air quality problem, and EPA, therefore, concluded the state would not significantly contribute to nonattainment or interfere with maintenance of the NAAQS in the downwind states. However, if a state's impact equaled or exceeded the one percent threshold, the state's emissions were further evaluated in step 3, considering both air quality and cost considerations, to determine what, if any, emissions might be deemed ''significant'' and, thus, must be eliminated under the good neighbor provision. EPA is proposing to rely on the one percent threshold (which is 0.70 ppb) for the purpose of evaluating Connecticut's contribution to nonattainment or maintenance of the 2015 ozone NAAQS in downwind areas.

Several D.C. Circuit court decisions address the issue of the relevant analytic year for the purposes of evaluating ozone transport air-quality problems. On September 13, 2019, the D.C. Circuit issued a decision in *Wisconsin* v. *EPA,* remanding the CSAPR Update to the extent that it failed to require upwind states to eliminate their significant contribution by the next applicable attainment date by which downwind states must come into compliance with the NAAQS, as established under CAA section 181(a). 938 F.3d 303, 313.

On May 19, 2020, the D.C. Circuit issued a decision in *Maryland* v. *EPA* that cited the *Wisconsin* decision in holding that EPA must assess the impact of interstate transport on air quality at the next downwind attainment date, including Marginal area attainment dates, in evaluating the basis for EPA's denial of a petition under CAA section 126(b). *Maryland* v. *EPA,* 958 F.3d 1185, 1203–04 (D.C. Cir. 2020). The court noted that ''section 126(b) incorporates the Good Neighbor Provision,'' and, therefore, ''EPA must find a violation [of section 126] if an upwind source will significantly contribute to downwind nonattainment at the *next downwind attainment deadline.* Therefore, the agency must evaluate downwind air quality at that deadline, not at some later date.'' *Id.* at 1204 (emphasis added). EPA interprets the court's holding in *Maryland* as requiring the Agency, under the good neighbor provision, to assess downwind air quality by the next applicable attainment date, including a Marginal area attainment date under CAA section 181 for ozone nonattainment.[15] The Marginal area attainment date for the 2015 ozone NAAQS is August 3, 2021.[16] Historically, EPA has considered the full ozone season prior to the attainment date as supplying an appropriate analytic year for assessing good neighbor obligations. While this would be 2020 for an August 2021 attainment date (which falls within the 2021 ozone season running from May 1 to September 30), in this circumstance, when the 2020 ozone season is wholly in the past, it is appropriate to focus on 2021 to address good neighbor obligations to the extent possible by the 2021 attainment date. EPA does not believe it would be appropriate to select an analytical year that is wholly in the past, because the agency interprets the good neighbor provision as forward looking. *See* 86 FR 23054 at 23074; *see also Wisconsin,* 938 F.3d at 322. Consequently, in this proposal EPA will use the analytical year of 2021 to evaluate Connecticut's good neighbor

[11] *See* Analysis of Contribution Thresholds for Use in Clean Air Act Section 110(a)(2)(D)(i)(I) Interstate Transport State Implementation Plan Submissions for the 2015 Ozone National Ambient Air Quality Standards, August 31, 2018) (''August 2018 memo''), and Considerations for Identifying Maintenance Receptors for Use in Clean Air Act Section 110(a)(2)(D)(i)(I) Interstate Transport State Implementation Plan Submissions for the 2015 Ozone National Ambient Air Quality Standards, October 19, 2018, available in the docket for this action or at *https://www.epa.gov/airmarkets/memo-and-supplemental-information-regarding-interstate-transport-sips-2015-ozone-naaqs.*

[12] *See* 85 FR 68964, 68981. The results of this modeling are included in a spreadsheet in the docket for this action. The underlying modeling files are available for public review in the docket for the Revised CSAPR Update (EPA–HQ–OAR–2020–0272).

[13] *See* 86 FR 23054 at 23075, 23164 (April 30, 2021).

[14] *See* ''Air Quality Modeling Technical Support Document for the Revised Cross-State Air Pollution Rule Update,'' 86 FR 23054 (April 30, 2021), available in the docket for this action. This TSD was originally developed to support EPA's action in the Revised CSAPR Update, as relating to outstanding good neighbor obligations under the 2008 ozone NAAQS. While developed in this separate context, the data and modeling outputs, including interpolated design values for 2021, may be evaluated with respect to the 2015 ozone NAAQS and used in support of this proposal.

[15] We note that the court in *Maryland* did not have occasion to evaluate circumstances in which EPA may determine that an upwind linkage to a downwind air quality problem exists at steps 1 and 2 of the interstate transport framework by a particular attainment date, but for reasons of impossibility or profound uncertainty the Agency is unable to mandate upwind pollution controls by that date. *See Wisconsin,* 938 F.3d at 320. The D.C. Circuit noted in *Wisconsin* that upon a sufficient showing, these circumstances may warrant flexibility in effectuating the purpose of the good neighbor provision. Such circumstances are not at issue in the present proposal.

[16] CAA section 181(a); 40 CFR 51.1303; Additional Air Quality Designations for the 2015 Ozone National Ambient Air Quality Standards, 83 FR 25776 (June 4, 2018, effective Aug. 3, 2018).

obligation with respect to the 2015 ozone NAAQS.[17]

II. Connecticut Submittal

On December 6, 2018, Connecticut submitted a SIP revision addressing the CAA section 110(a)(2)(D)(i)(I) interstate transport requirements for the 2015 ozone NAAQS. Connecticut relied on the results of EPA's modeling for the 2015 ozone NAAQS contained in the March 2018 memo to identify downwind nonattainment and maintenance receptors that may be impacted by emissions from sources in Connecticut in the year 2023. These results indicate Connecticut's greatest impact on any potential downwind nonattainment or maintenance receptor would be 0.83 ppb in Suffolk County, New York.[18] Based on the March 2018 memo, this was the only nonattainment or maintenance receptor for which Connecticut was projected in 2023 to contribute above the screening threshold of 0.70 ppb (one percent of the 2015 ozone NAAQS).

Connecticut noted in its December 2018 good neighbor submittal that ''EPA had considered cost-effective only reductions that are available at a cost of less than $1,400 per ton of emissions reduced. Connecticut's emitters are currently required to adopt control measures at costs exceeding $13,000 per ton (of NO_X).'' [19] Connecticut states that as it requires this high level of control of ozone precursor emissions, it has exhausted lower-cost emission reduction measures.

As evidence of this, Connecticut points to Regulations of Connecticut Agencies section 22a–174–22e(g) and its ozone attainment plan technical support document for the 2008 ozone NAAQS, which was submitted to EPA in August 2017 and documents the State's ozone precursor emission reduction measures.

Connecticut concludes that it has met its good neighbor obligations for the 2015 ozone NAAQS because of the existing control measures that are in place.

III. EPA Evaluation of Connecticut's Submittal

Connecticut's SIP submission relies on analysis of the year 2023 to show whether it contributes to nonattainment or interferes with maintenance of the 2015 ozone NAAQS in any other state.[20] As explained in Section I of this proposal, EPA has conducted an updated analysis for the 2021 analytical year that is being used to evaluate Connecticut's transport SIP submittal. Significantly, this new analysis shows that, in 2021, Connecticut is not projected to contribute to any potential downwind nonattainment or maintenance receptor, including the monitor in Suffolk County, New York, above the screening threshold of 0.70 ppb (one percent of the 2015 ozone NAAQS). While EPA has focused its analysis in this document on the year 2021, modeling data in the record for years 2023 and 2028 confirm that no new linkages to downwind receptors are projected for Connecticut in later years. This is not surprising as it is consistent with an overall, long-term downward trend in emissions from this state.

As explained in Section I of this document, in consideration of the holdings in *Wisconsin* and *Maryland,* EPA's analysis relies on 2021 as the relevant attainment year for evaluating Connecticut's good neighbor obligations with respect to the 2015 ozone NAAQS using the four-step interstate transport framework. In step 1, we identify locations where the Agency expects there to be nonattainment or maintenance receptors for the 2015 8-hour ozone NAAQS in the 2021 analytic year. Where EPA's analysis shows that an area or site does not fall under the definition of a nonattainment or maintenance receptor, that site is excluded from further analysis under EPA's four step interstate transport framework. For areas that are identified as a nonattainment or maintenance receptor in 2021, we proceed to the next step of our four-step framework by identifying the upwind state's contribution to those receptors.

EPA's approach to identifying ozone nonattainment and maintenance receptors in this action is consistent with the approach used in previous transport rulemakings. EPA's approach gives independent consideration to both the ''contribute significantly to nonattainment'' and the ''interfere with maintenance'' prongs of CAA section 110(a)(2)(D)(i)(I), consistent with the D.C. Circuit's direction in *North Carolina* v. *EPA*.[21]

For the purpose of this proposal, EPA identifies nonattainment receptors as those monitoring sites that are projected to have average design values that exceed the NAAQS and that are also measuring nonattainment based on the most recent monitored design values. This approach is consistent with prior transport rulemakings, such as CSAPR Update, where EPA defined nonattainment receptors as those areas that both currently monitor nonattainment and that EPA projects will be in nonattainment in the future analytic year.[22]

In addition, in this proposal, EPA identifies a receptor to be a ''maintenance'' receptor for purposes of defining interference with maintenance, consistent with the method used in the CSAPR and upheld by the D.C. Circuit in *EME Homer City Generation, L.P.* v. *EPA,* 795 F.3d 118, 136 (D.C. Cir. 2015).[23] Specifically, monitoring sites with a projected maximum design value in 2021 that exceeds the NAAQS are considered maintenance receptors. EPA's method of defining these receptors takes into account both measured data and reasonable projections based on modeling analysis.

Recognizing that nonattainment receptors are also, by definition, maintenance receptors, EPA often uses the term ''maintenance-only'' to refer to receptors that are not also nonattainment receptors. Consistent with the methodology described above, monitoring sites with a projected maximum design value that exceeds the NAAQS, but with a projected average design value that is below the NAAQS,

[17] EPA recognizes that by the time final action is taken with respect to this SIP submission, the 2021 ozone season will be wholly in the past. As discussed below, the available modeling information indicates that our analysis would not change even using 2023 as the analytic year. The 2023 modeling results are included in the ''Ozone Design Values and Contributions Revised CSAPR Update.xlsx'', included in the docket for this action.

[18] EPA notes that the monitoring site ID for Suffolk County, New York is 361030002.

[19] EPA notes that the $1,400 ton per year threshold stated by Connecticut is in reference to the cost per ton threshold used in the CSAPR Update, which was used to evaluate available cost-effective EGU controls under the 2008 ozone NAAQS of 0.075 ppm. *See* 81 FR 74504 (October 26, 2016).

[20] We recognize that Connecticut and other states may have been influenced by EPA's 2018 guidance memos (issued prior to the *Wisconsin* and *Maryland* decisions) in making good neighbor submissions that relied on EPA's modeling of 2023. When there are intervening changes in relevant law or legal interpretation of CAA requirements, states are generally free to withdraw, supplement, and/or re-submit their SIP submissions with new analysis (in compliance with CAA procedures for SIP submissions). While Connecticut has not done this, as explained in this section, the independent analysis EPA has conducted at its discretion confirms that the state's submission in this instance is ultimately approvable.

[21] *See North Carolina* v. *EPA,* 531 F.3d 896, 910–11 (D.C. Cir. 2008) (holding that EPA must give ''independent significance'' to each prong of CAA section 110(a)(2)(D)(i)(I)).

[22] *See* 81 FR 74504 (October 26, 2016). Revised CSAPR Update also used this approach. *See* 86 FR 23054 (April 30, 2021). This same concept, relying on both current monitoring data and modeling to define nonattainment receptor, was also applied in CAIR. *See* 70 FR 25241 (January 14, 2005); *see also North Carolina,* 531 F.3d at 913–14 (affirming as reasonable EPA's approach to defining nonattainment in CAIR).

[23] *See* 76 FR 48208 (August 8, 2011). CSAPR Update and Revised CSAPR Update also used this approach. See 81 FR 74504 (October 26, 2016) and 86 FR 23054 (April 30, 2021).

are identified as maintenance-only receptors. In addition, those sites that are currently measuring ozone concentrations below the level of the applicable NAAQS but are projected to be nonattainment based on the average design value and that, by definition, are projected to have a maximum design value above the standard are also identified as maintenance-only receptors.

To evaluate future air quality in steps 1 and 2 of the interstate transport framework, EPA is using the 2016 and 2023 base case emissions developed under the EPA/MJO/state collaborative emissions modeling platform project as the primary source for base year and 2023 future year emissions data for this proposal.[24] Because this platform does not include emissions for 2021, EPA developed an interpolation technique based on modeling for 2023 and measured ozone data to determine ozone concentrations for 2021. To estimate average and maximum design values for 2021, EPA first performed air quality modeling for 2016 and 2023 to obtain design values in 2023. The 2023 design values were then coupled with the corresponding 2016 measured design values to estimate design values in 2021. Details on the modeling, including the interpolation methodology, can be found in the Air Quality Modeling TSD, found in the docket for this proposal.

To quantify the contribution of emissions from specific upwind states on 2021 8-hour design values for the identified downwind nonattainment and maintenance receptors, EPA first performed nationwide, state-level ozone source apportionment modeling for 2023. The source apportionment modeling provided contributions to ozone from precursor emissions of anthropogenic nitrogen oxides (NO_X) and volatile organic compounds (VOCs) in each state, individually. The modeled contributions were then applied in a relative sense to the 2021 average design value to estimate the contributions in 2021 from each state to each receptor. Details on the source apportionment modeling and the methods for determining contributions in 2021 are in the Air Quality Modeling TSD in the docket.

The 2021 design values and contributions were examined to determine if Connecticut contributes at or above the threshold of one percent of the 2015 ozone NAAQS (0.70 ppb) to any downwind nonattainment or maintenance receptor. The data[25] indicate that the highest contribution in 2021 from Connecticut to a downwind nonattainment or maintenance receptor is 0.44 ppb to a nonattainment receptor in Richmond County, New York (monitoring site 360850067). The data also show modeled ozone contributions from Connecticut to the design values of a larger set of monitoring sites (independent of attainment status) and indicate that the highest projected contribution in 2021 from Connecticut to any of these sites is 3.51 ppb to Kent County in Rhode Island (monitoring site 440030002; #378 on the Design Values and Contributions spreadsheet). While Connecticut's modeled contribution to the Kent County monitor exceeds one percent of the 2015 ozone NAAQS, EPA's analysis at step 1 does not identify the Kent County monitor as a downwind area that may have problems maintaining the 2015 ozone NAAQS. The Kent County monitor's projected average design value in 2021 is 65.5 ppb. The updated modeling for 2021 also shows that Connecticut is no longer projected to be linked to the Suffolk County monitoring site, since this monitor is no longer projected to be a nonattainment or maintenance receptor.

EPA also analyzed ozone precursor emissions trends in Connecticut to support the findings from the air quality analysis. In evaluating emissions trends, we first reviewed the information submitted by the state and then reviewed additional information available to the Agency. We focused on state-wide emissions of NO_X and VOCs.[26] Emissions from mobile sources, electric generating units (''EGUs''), industrial facilities, gasoline vapors, and chemical solvents are some of the major anthropogenic sources of ozone precursors. This evaluation looks at both past emissions trends, as well as projected trends.

As shown in Table 1, for Connecticut, annual total NO_X and VOC emissions are projected to decline between 2016 and 2023 by 31 percent and 2 percent, respectively. The projected reductions are a result of the implementation of existing control programs that will continue to decrease NO_X and VOC emissions in Connecticut, as indicated by EPA's most recent 2021 and 2023 projected emissions.

As shown in Table 2, on-road and nonroad mobile source emissions collectively comprise a large portion of Connecticut's total anthropogenic NO_X and VOCs. For example, in 2019, NO_X emissions from mobile sources in Connecticut comprised 62 percent of total NO_X emissions and 38 percent of total VOC emissions.

The large decrease in NO_X emissions between 2016 emissions and projected 2023 emissions in Connecticut is primarily driven by reductions in emissions from on-road and nonroad mobile sources. EPA projects that both VOC and NO_X emissions will continue declining to 2023 as newer vehicles and engines that are subject to the most recent, stringent mobile source standards replace older vehicles and engines.[27]

In summary, based on the projected downward trend in projected future emissions trends, in combination with the historical decline in actual emissions, there is no evidence to suggest that the overall emissions trend demonstrated in Table 2 would suddenly reverse or spike in 2021 compared to historical emissions levels or those projected for 2023. Further, there is no evidence that the projected ozone precursor emissions trends beyond 2021 would not continue to show a decline in emissions. In addition, EPA followed its normal practice of including in our modeling only changes in NO_X or VOC emissions that result from final regulatory actions. Any potential changes in NO_X or VOC emissions that may result from possible future or proposed regulatory actions are speculative.

This downward trend in emissions in Connecticut adds support to the air quality analyses presented above for the state and indicates that the contributions from emissions from sources in Connecticut to ozone receptors in downwind states will

[24] *See* 86 FR 23054 (April 30, 2021). The results of this modeling are included in a spreadsheet in the docket for this action. The underlying modeling files are available for public access in the docket for the Revised CSAPR Update (EPA–HQ–OAR–2020–0272).

[25] The data are given in the ''Air Quality Modeling Technical Support Document for the Revised Cross-State Air Pollution Rule Update'' and ''Ozone Design Values and Contributions Revised CSAPR Update.xlsx,'' which are included in the docket for this action.

[26] This is because ground-level ozone is not emitted directly into the air but is formed by chemical reactions between ozone precursors, chiefly NO_X and VOCs, in the presence of sunlight. *See* 86 FR 23054, 23063.

[27] Tier 3 Motor Vehicle Emission and Fuel Standards (79 FR 23414, April 28, 2014); Mobile Source Air Toxics Rule (MSAT2) (72 FR 8428, February 26, 2007), Heavy-Duty Engine and Vehicle Standards and Highway Diesel Fuel Sulfur Control Requirements (66 FR 5002, January 18, 2001); Clean Air Nonroad Diesel Rule (69 FR 38957, June 29, 2004); Locomotive and Marine Rule (73 FR 25098, May 6, 2008); Marine Spark-Ignition and Small Spark-Ignition Engine Rule (73 FR 59034, October 8, 2008); New Marine Compression-Ignition Engines at or Above 30 Liters per Cylinder Rule (75 FR 22895, April 30, 2010); and Aircraft and Aircraft Engine Emissions Standards (77 FR 36342, June 18, 2012).

continue to decline and remain below one percent of the NAAQS.

TABLE 1—ANNUAL EMISSIONS OF NO_X AND VOCS FROM ANTHROPOGENIC SOURCES IN CONNECTICUT

[Tons per year] [28]

	2011	2012	2013	2014	2015	2016	2017	2018	2019	Projected 2021	Projected 2023
CT NO_X	72,815	69,540	66,264	62,989	57,791	48,729	46,285	43,751	40,219	35,033	33,412
CT VOCs	79,806	80,621	81,435	82,250	74,313	62,658	57,777	56,137	54,498	63,354	61,110

TABLE 2—ANNUAL EMISSIONS OF NO_X AND VOCS FROM ON-ROAD AND NONROAD VEHICLES IN CONNECTICUT

[Tons per year]

	2011	2012	2013	2014	2015	2016	2017	2018	2019	Projected 2021	Projected 2023
CT NO_X	54,371	50,956	47,540	44,124	40,040	32,090	30,760	27,878	24,995	19,128	16,935
CT VOCs	38,749	37,166	35,583	33,999	30,837	23,957	23,851	22,212	20,573	17,398	16,229

Thus, EPA's air quality and emissions analyses indicate that emissions from Connecticut will not significantly contribute to nonattainment or interfere with maintenance of the 2015 ozone NAAQS in any other state in 2021.

IV. Proposed Action

As discussed in Section II, Connecticut concluded that it has met its good neighbor obligations for the 2015 ozone NAAQS based on existing control measures that are in place. EPA conducted an independent analysis for the analytic year 2021 based on more recent data and updated modeling. EPA's evaluation of measured and monitored data, including interpolating values to generate a reasonable expectation of air quality and contribution values in 2021, is discussed in Section III. Based on the updated modeling and analysis, EPA concluded that emissions from sources in the state will not contribute significantly to nonattainment or interfere with maintenance of the 2015 ozone NAAQS in any other state. This conclusion remains true for later modeled years 2023 and 2028 in the updated modeling EPA is relying on. Therefore, we propose to approve the Connecticut submission as meeting the requirements of CAA section 110(a)(2)(D)(i)(I).

EPA is soliciting public comments on this document. These comments will be considered before taking final action. Interested parties may participate in the Federal rulemaking procedure by submitting written comments to this proposed rule by following the instructions listed in the **ADDRESSES** section of this **Federal Register** document.

V. Statutory and Executive Order Reviews

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

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

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

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping

[28] The annual emissions data for the years 2011 through 2019 were obtained from EPA's National Emissions Inventory website: *https://www.epa.gov/air-emissions-inventories/air-pollutant-emissions-trends-data.* Note that emissions from miscellaneous sources are not included in the state totals. The emissions for 2021 and 2023 are based on the 2016 emissions modeling platform. *See* ''2005 thru 2019 + 2021_2023_2028 Annual State Tier 1 Emissions_v3'' and the Emissions Modeling TSD in the docket for this action.

requirements, Sulfur oxides, Volatile organic compounds.

Dated: August 24, 2021.

Deborah Szaro,

Acting Regional Administrator, EPA Region 1.

[FR Doc. 2021–18516 Filed 8–27–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 61 and 63

[EPA–R06–OAR–2020–0086; FRL–8847–01–R6]

National Emission Standards for Hazardous Air Pollutants; Delegation of Authority to Oklahoma

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Oklahoma Department of Environmental Quality (ODEQ) has submitted updated regulations for receiving delegation and approval of its program for the implementation and enforcement of certain National Emission Standards for Hazardous Air Pollutants (NESHAP), as provided for under previously approved delegation mechanisms. The updated state regulations incorporate by reference certain NESHAP promulgated by the Environmental Protection Agency (EPA) as they existed through June 30, 2019. The EPA is proposing to approve ODEQ's requested delegation update. The proposed delegation of authority under this action applies to sources located in certain areas of Indian country as discussed herein.

DATES: Written comments on this proposed rule must be received on or before September 29, 2021.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R06–OAR–2020–0086, at *http://www.regulations.gov* or via email to *barrett.richard@epa.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, please contact Rick Barrett, 214–665–7227, *barrett.richard@epa.gov.* For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.*

Docket: The index to the docket for this action is available electronically at *www.regulations.gov.* While all documents in the docket are listed in the index, some information may not be publicly available due to docket file size restrictions or content (*e.g.,* CBI).

FOR FURTHER INFORMATION CONTACT: Rick Barrett, EPA Region 6 Office, ARPE, (214) 665–7227, *barrett.richard@epa.gov.* Out of an abundance of caution for members of the public and our staff, the EPA Region 6 office will be closed to the public to reduce the risk of transmitting COVID–19. We encourage the public to submit comments via *https://www.regulations.gov,* as there will be a delay in processing mail and no courier or hand deliveries will be accepted. Please call or email the contact listed above if you need alternative access to material indexed but not provided in the docket.

SUPPLEMENTARY INFORMATION: Throughout this document wherever ''we,'' ''us,'' or ''our'' is used, we mean the EPA.

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I. What does this action do?

The EPA is proposing to approve the delegation of the implementation and enforcement of certain NESHAPs to ODEQ. If finalized, the delegation will provide ODEQ with the primary responsibility to implement and enforce the delegated standards.

II. What is the authority for delegation?

Section 112(l) of the Clean Air Act (CAA), and 40 CFR part 63, subpart E, authorize the EPA to delegate authority to any State or local agency which submits adequate regulatory procedures for implementation and enforcement of emission standards for hazardous air pollutants. The hazardous air pollutant standards are codified at 40 CFR parts 61 and 63.

III. What criteria must Oklahoma's program meet to be approved?

Section 112(l)(5) of the CAA requires the EPA to disapprove any program submitted by a State for the delegation of NESHAP standards if the EPA determines that:

(A) The authorities contained in the program are not adequate to assure compliance by the sources within the State with respect to each applicable standard, regulation, or requirement established under section 112;

(B) adequate authority does not exist, or adequate resources are not available, to implement the program;

(C) the schedule for implementing the program and assuring compliance by affected sources is not sufficiently expeditious; or

(D) the program is otherwise not in compliance with the guidance issued by the EPA under section 112(l)(2) or is not likely to satisfy, in whole or in part, the objectives of the CAA.

In carrying out its responsibilities under section 112(l), the EPA promulgated regulations at 40 CFR part 63, subpart E setting forth criteria for the approval of submitted programs. For example, in order to obtain approval of a program to implement and enforce Federal section 112 rules as promulgated without changes (straight delegation) for part 70 sources, a state must demonstrate that it meets the criteria of 40 CFR 63.91(d). 40 CFR 63.91(d)(3) provides that interim or final Title V program approval will satisfy the criteria of 40 CFR 63.91(d).[1] The NESHAP delegation for Oklahoma, as it applies to both part 70 and non-part 70

[1] Some NESHAP standards do not require a source to obtain a Title V permit (*e.g.,* certain area sources that are exempt from the requirement to obtain a Title V permit). For these non-Title V sources, the EPA believes that the State must assure the EPA that it can implement and enforce the NESHAP for such sources. *See* 65 FR 55810, 55813 (September 14, 2000). The EPA previously approved Oklahoma's program to implement and enforce the NESHAP as they apply to non-part 70 sources. *See* 66 FR 1584 (January 9, 2001).

sources, was most recently approved on October 22, 2018 (83 FR 53183).

IV. How did ODEQ meet the NESHAP program approval criteria?

As to the NESHAP standards in 40 CFR parts 61 and 63, as part of its Title V submission ODEQ stated that it intended to use the mechanism of incorporation by reference to adopt unchanged Federal section 112 standards into its regulations. This commitment applied to both existing and future standards as they applied to part 70 sources. The EPA's final interim approval of Oklahoma's Title V operating permits program delegated the authority to implement certain NESHAP, effective March 6, 1996 (61 FR 4220, February 5, 1996). On December 5, 2001, the EPA granted final full approval of the State's operating permits program (66 FR 63170). These interim and final Title V program approvals satisfy the upfront approval criteria of 40 CFR 63.91(d). Under 40 CFR 63.91(d)(2), once a state has satisfied up-front approval criteria, it needs only to reference the previous demonstration and reaffirm that it still meets the criteria for any subsequent submittals of the section 112 standards. ODEQ has affirmed that it still meets the up-front approval criteria. With respect to non-part 70 sources, the EPA has previously approved delegation of NESHAP authorities to ODEQ after finding adequate authorities to implement and enforce the NESHAP for such sources. *See* 66 FR 1584 (January 9, 2001).

V. What is being delegated?

By letter dated December 23, 2019, ODEQ requested the EPA to update its existing NESHAP delegation. With certain exceptions noted in section VI of this document, Oklahoma's request included NESHAPs in 40 CFR parts 61 and 63. ODEQ's request included newly incorporated NESHAPs promulgated by the EPA and amendments to existing standards currently delegated, as amended between September 1, 2016 and June 30, 2018, as adopted by the State.

More recently, by letter dated March 23, 2021, the EPA received a request from ODEQ to update its existing NESHAP delegation. With certain exceptions noted in section VI of this document, ODEQ's request includes certain NESHAP in 40 CFR parts 61 and 63. ODEQ's request included newly incorporated NESHAPs promulgated by the EPA and amendments to existing standards currently delegated, as amended between June 30, 2018 and June 30, 2019, as adopted by the State.

VI. What is not being delegated?

All authorities not affirmatively and expressly proposed for delegation by this action will not be delegated. These include the following parts 61 and 63 authorities listed below:

- 40 CFR part 61, subpart B (National Emission Standards for Radon Emissions from Underground Uranium Mines);
- 40 CFR part 61, subpart H (National Emission Standards for Emissions of Radionuclides Other Than Radon From Department of Energy Facilities);
- 40 CFR part 61, subpart I (National Emission Standards for Radionuclide Emissions from Federal Facilities Other Than Nuclear Regulatory Commission Licensees and Not Covered by Subpart H);
- 40 CFR part 61, subpart K (National Emission Standards for Radionuclide Emissions from Elemental Phosphorus Plants);
- 40 CFR part 61, subpart Q (National Emission Standards for Radon Emissions from Department of Energy facilities);
- 40 CFR part 61, subpart R (National Emission Standards for Radon Emissions from Phosphogypsum Stacks);
- 40 CFR part 61, subpart T (National Emission Standards for Radon Emissions from the Disposal of Uranium Mill Tailings); and
- 40 CFR part 61, subpart W (National Emission Standards for Radon Emissions from Operating Mill Tailings).

In addition, the EPA regulations provide that we cannot delegate to a state any of the Category II Subpart A authorities set forth in 40 CFR 63.91(g)(2). These include the following provisions: § 63.6(g), Approval of Alternative Non-Opacity Standards; § 63.6(h)(9), Approval of Alternative Opacity Standards; § 63.7(e)(2)(ii) and (f), Approval of Major Alternatives to Test Methods; § 63.8(f), Approval of Major Alternatives to Monitoring; and § 63.10(f), Approval of Major Alternatives to Recordkeeping and Reporting. Also, some parts 61 and 63 standards have certain provisions that cannot be delegated to the states. Furthermore, no authorities are being proposed for delegation that require rulemaking in the **Federal Register** to implement, or where Federal overview is the only way to ensure national consistency in the application of the standards or requirements of CAA section 112. Finally, this action does not propose delegation of any authority under section 112(r), the accidental release program.

If this action is finalized as proposed, all questions concerning implementation and enforcement of the excluded standards in the State of Oklahoma should be directed to the EPA Region 6 Office.

The EPA is proposing a determination that the NESHAP program submitted by Oklahoma meets the applicable requirements of CAA section 112(l)(5) and 40 CFR part 63, subpart E.

As more fully discussed in section XIII of this document, the proposed delegation to ODEQ to implement and enforce certain NESHAP extends to sources or activities located in certain areas of Indian country, as defined in 18 U.S.C. 1151.

VII. How will statutory and regulatory interpretations be made?

If this NESHAP delegation update is finalized as proposed, ODEQ will obtain concurrence from the EPA on any matter involving the interpretation of section 112 of the CAA or 40 CFR parts 61 and 63 to the extent that implementation, administration, or enforcement of these sections have not been covered by prior EPA determinations or guidance.

VIII. What authority does the EPA have?

We retain the right, as provided by CAA section 112(l)(7) and 40 CFR 63.90(d)(2), to enforce any applicable emission standard or requirement under section 112. In addition, the EPA may enforce any federally approved State rule, requirement, or program under 40 CFR 63.90(e) and 63.91(c)(1)(i). The EPA also has the authority to make certain decisions under the General Provisions (subpart A) of parts 61 and 63. We are proposing to delegate to the ODEQ some of these authorities, and retaining others, as explained in sections V and VI above. In addition, the EPA may review and disapprove State determinations and subsequently require corrections. *See* 40 CFR 63.91(g)(1)(ii). The EPA also has the authority to review ODEQ's implementation and enforcement of approved rules or programs and to withdraw approval if we find inadequate implementation or enforcement. *See* 40 CFR 63.96.

Furthermore, we retain the authority in an individual emission standard that may not be delegated according to provisions of the standard. Finally, we retain the authorities stated in the original delegation agreement. *See* ''Provisions for the Implementation and Enforcement of NSPS and NESHAP in Oklahoma,'' effective March 25, 1982, a copy of which is included in the docket

for this action. A table of currently delegated NESHAP standards and how the updated NESHAP delegation would look if this proposal is finalized may be found in the Technical Support Document (TSD) included in the docket for this action. The table also shows the authorities that cannot be delegated to any state or local agency.

IX. What information must ODEQ provide to the EPA?

ODEQ must provide any additional compliance related information to the EPA, Region 6, Office of Enforcement and Compliance Assurance, within 45 days of a request under 40 CFR 63.96(a). In receiving delegation for specific General Provisions authorities, ODEQ must submit to EPA Region 6 on a semi-annual basis, copies of determinations issued under these authorities. *See* 40 CFR 63.91(g)(1)(ii). For part 63 standards, these determinations include: § 63.1, Applicability Determinations; § 63.6(e), Operation and Maintenance Requirements—Responsibility for Determining Compliance; § 63.6(f), Compliance with Non-Opacity Standards—Responsibility for Determining Compliance; § 63.6(h), Compliance with Opacity and Visible Emissions Standards—Responsibility for Determining Compliance; § 63.7(c)(2)(i) and (d), Approval of Site-Specific Test Plans; § 63.7(e)(2)(i), Approval of Minor Alternatives to Test Methods; § 63.7(e)(2)(ii) and (f), Approval of Intermediate Alternatives to Test Methods; § 63.7(e)(iii), Approval of Shorter Sampling Times and Volumes When Necessitated by Process Variables or Other Factors; § 63.7(e)(2)(iv), (h)(2) and (3), Waiver of Performance Testing; § 63.8(c)(1) and (e)(1), Approval of Site-Specific Performance Evaluation (Monitoring) Test Plans; § 63.8(f), Approval of Minor Alternatives to Monitoring; § 63.8(f), Approval of Intermediate Alternatives to Monitoring; §§ 63.9 and 63.10, Approval of Adjustments to Time Periods for Submitting Reports; § 63.10(f), Approval of Minor Alternatives to Recordkeeping and Reporting; and § 63.7(a)(4), Extension of Performance Test Deadline.

X. What is the EPA's oversight role?

The EPA must oversee ODEQ's decisions to ensure the delegated authorities are being adequately implemented and enforced. We will integrate oversight of the delegated authorities into the existing mechanisms and resources for oversight currently in place. If, during oversight, we determine that ODEQ has made decisions that decrease the stringency of the delegated standards, then ODEQ shall be required to take corrective actions and the source(s) affected by the decisions will be notified, as required by 40 CFR 63.91(b) and (g)(1)(ii). We will initiate withdrawal of the program or rule if the corrective actions taken are insufficient. *See* 51 FR 20648 (June 6, 1986).

XI. Should sources submit notices to the EPA or ODEQ?

For the delegated NESHAP standards and authorities covered by this proposed action, if finalized, sources would submit all of the information required pursuant to the general provisions and the relevant subpart(s) of the delegated NESHAP (40 CFR parts 61 and 63) directly via electronic submittal to online EPA database portals that are specified in each rule, and also as paper submittals to the ODEQ at the following address: Oklahoma Department of Environmental Quality, 707 North Robinson, P.O. Box 1677, Oklahoma City, Oklahoma 73101–1677. The ODEQ is the primary point of contact with respect to delegated NESHAP. The EPA Region 6 proposes to waive the requirement that courtesy notifications and reports for delegated standards be submitted to the EPA in addition to ODEQ in accordance with 40 CFR 63.9(a)(4)(ii) and 63.10(a)(4)(ii).[2] For those standards and authorities not delegated as discussed above, sources must continue to submit all appropriate information to the EPA.

XII. How will unchanged authorities be delegated to ODEQ in the future?

As stated in previous NESHAP delegation actions, the EPA has approved Oklahoma's mechanism of incorporation by reference of NESHAP standards into ODEQ regulations, as they apply to both part 70 and non-part 70 sources. See, *e.g.,* 61 FR 4224 (February 5, 1996) and 66 FR 1584 (January 9, 2001). Consistent with the EPA regulations and guidance,[3] ODEQ may request future updates to Oklahoma's NESHAP delegation by submitting a letter to the EPA that appropriately identifies the specific NESHAP which have been incorporated by reference into State rules, reaffirms that it still meets up-front approval delegation criteria for part 70 sources, and demonstrates that ODEQ maintains adequate authorities and resources to implement and enforce the delegated NESHAP requirements for all sources. We will respond in writing to the request stating that the request for delegation is either approved or denied. A **Federal Register** action will be published to inform the public and affected sources of the updated delegation, indicate where source notifications and reports should be sent, and amend the relevant portions of the Code of Federal Regulations identifying which NESHAP standards have been delegated to the ODEQ.

XIII. Impact on Areas of Indian Country

Following the U.S. Supreme Court decision in *McGirt* v *Oklahoma,* 140 S. Ct. 2452 (2020), the Governor of the State of Oklahoma requested approval under Section 10211(a) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act of 2005: A Legacy for Users, Public Law 109–59, 119 Stat. 1144, 1937 (August 10, 2005) (''SAFETEA''), to administer in certain areas of Indian country (as defined at 18 U.S.C. 1151) the State's environmental regulatory programs that were previously approved by the EPA outside of Indian country.[4] The State's request excluded certain areas of Indian country further described below.

On October 1, 2020, the EPA approved Oklahoma's SAFETEA request to administer all of the State's EPA-approved environmental regulatory programs, including the delegated portions of the NESHAP program, in the requested areas of Indian country.[5] As requested by Oklahoma, the EPA's approval under SAFETEA does not include Indian country lands, including rights-of-way running through the same, that: (1) Qualify as Indian allotments, the Indian titles to which have not been extinguished, under 18 U.S.C. 1151(c); (2) are held in trust by the United States on behalf of an individual Indian or Tribe; or (3) are owned in fee by a Tribe, if the Tribe (a) acquired that fee title to such land, or an area that included such land, in accordance with a treaty with the United States to which such Tribe was a party, and (b) never allotted the land to a member or citizen of the Tribe

[2] This waiver only extends to the submission of *copies* of notifications and reports; the EPA does not waive the requirements in delegated standards that require notifications and reports be submitted to an electronic database (*e.g.,* 40 CFR part 63, subpart HHHHHHH).

[3] *See* Harardous Air Pollutants: Amendments to the Approval of State Programs and Delegation of Federal Authorities, Final Rule (65 FR 55810, September 14, 2000); and ''Straight Delegation Issues Concerning Sections 111 and 112 Requirements and Title V,'' by John S. Seitz, Director of Air Qualirty Planning and Standards, EPA, dated December 10, 1993.

[4] A copy of the Governor's July 22, 2020 request can be found in the docket for this proposed rulemaking.

[5] A copy of EPA's October 1, 2020 approval can be found in the docket for this proposed rulemaking.

(collectively ''excluded Indian country lands'').

EPA's approval under SAFETEA expressly provided that to the extent EPA's prior approvals of Oklahoma's environmental programs excluded Indian country, any such exclusions are superseded for the geographic areas of Indian country covered by the EPA's approval of Oklahoma's SAFETEA request.[6] The approval also provided that future revisions or amendments to Oklahoma's approved environmental regulatory programs would extend to the covered areas of Indian country (without any further need for additional requests under SAFETEA).

As explained above, the EPA is proposing to approve an update to the Oklahoma NESHAP delegation. Consistent with the EPA's October 1, 2020 SAFETEA approval, if this action is finalized as proposed, Oklahoma's delegation of the NESHAP program will apply to all areas of Indian country within the State of Oklahoma, other than the excluded Indian country lands.[7]

XIV. Proposed Action

In this action, the EPA is proposing to approve an update to the Oklahoma NESHAP delegation that would provide the ODEQ with the authority to implement and enforce certain newly incorporated NESHAP promulgated by the EPA and amendments to existing standards currently delegated, as they existed though June 30, 2019. This proposed delegation to ODEQ extends to sources and activities located in certain areas of Indian country, as explained in section XIII above.

[6] EPA's prior approvals relating to Oklahoma's NESHAP delegation frequently noted that the NESHAP delegation was not approved to apply in areas of Indian country located in the State. *See, e.g.,* 83 FR 53183 (October 22, 2018). Such prior expressed limitations are superseded by the EPA's approval of Oklahoma's SAFETEA request.

[7] In accordance with Executive Order 13990, EPA is currently reviewing our October 1, 2020 SAFETEA approval and is engaging in further consultation with tribal governments and discussions with the State of Oklahoma as part of this review. EPA also notes that the October 1, 2020 approval is the subject of a pending challenge in federal court. (*Pawnee* v. *Regan,* No. 20–9635 (10th Cir.)). Pending completion of EPA's review, EPA is proceeding with this proposed action in accordance with the October 1, 2020 approval. EPA's final action on the NESHAP delegation update will address the scope of the State's program with respect to Indian country, and may make any appropriate adjustments, based on the status of our review at that time. If EPA's final action on Oklahoma's NESHAP delegation update is taken before our review of the SAFETEA approval is complete, EPA may make further changes to the approval of Oklahoma's NESHAP delegation to reflect the outcome of the SAFETEA review.

XV. Statutory and Executive Order Reviews

Under the CAA, the Administrator has the authority to approve section 112(l) submissions that comply with the provisions of the Act and applicable Federal regulations. In reviewing section 112(l) submissions, the EPA's role is to approve state choices, provided that they meet the criteria and objectives of the CAA and of the EPA's implementing regulations. Accordingly, this proposed action would merely approve the State's request as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this proposed action:

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide the EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

This proposal to approve Oklahoma's request to update the NESHAP delegation will apply, if finalized as proposed, to certain areas of Indian country as discussed in section XIII above, and therefore has tribal implications as specified in Executive Order 13175 (65 FR 67249, November 9, 2000). However, this action will neither impose substantial direct compliance costs on federally recognized tribal governments, nor preempt tribal law. This action will not impose substantial direct compliance costs on federally recognized tribal governments because no actions will be required of tribal governments. This action will also not preempt tribal law as no Oklahoma tribe implements a regulatory program under the CAA, and thus does not have applicable or related tribal laws. Consistent with the EPA Policy on Consultation and Coordination with Indian Tribes (May 4, 2011), the EPA has offered consultation to tribal governments that may be affected by this action.

List of Subjects

40 CFR Part 61

Environmental protection, Administrative practice and procedure, Air pollution control, Arsenic, Benzene, Beryllium, Hazardous substances, Mercury, Intergovernmental relations, Reporting and recordkeeping requirements, Vinyl chloride.

40 CFR Part 63

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

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

Dated: August 18, 2021.

David Garcia,

Director, Air and Radiation Division, Region 6.

[FR Doc. 2021–18164 Filed 8–27–21; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

48 CFR Part 204

[Docket DARS–2021–0017]

RIN 0750–AL48

Defense Federal Acquisition Regulation Supplement: Contract Closeout Authority for DoD Services Contracts (DFARS Case 2021–D012)

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Proposed rule.

SUMMARY: DoD is proposing to amend the Defense Federal Acquisition Regulation Supplement (DFARS) to implement a section of the National Defense Authorization Act for Fiscal Year 2021.

DATES: Comments on the proposed rule should be submitted in writing to the address shown below on or before October 29, 2021, to be considered in the formation of the final rule.

ADDRESSES: Submit comments identified by DFARS Case 2021–D012, using any of the following methods:

○ *Federal eRulemaking Portal: https://www.regulations.gov.* Search for ''DFARS Case 2021–D012.'' Select ''Comment'' and follow the instructions to submit a comment. Please include your name, company name (if any), and ''DFARS Case 2021–D012'' on any attached document.

○ *Email: osd.dfars@mail.mil.* Include DFARS Case 2021–D012 in the subject line of the message.

Comments received generally will be posted without change to *https://www.regulations.gov,* including any personal information provided. To confirm receipt of your comment(s), please check *https://www.regulations.gov,* approximately two to three days after submission to verify posting.

FOR FURTHER INFORMATION CONTACT: Ms. Kimberly R. Ziegler, telephone 571–372–6095.

SUPPLEMENTARY INFORMATION:

I. Background

This rule proposes to amend DFARS subpart 204.8 to implement section 820 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2021 (Pub. L. 116–283). Section 820 amends section 836(b) of the NDAA for FY 2017 (Pub. L. 114–328), as modified by section 824 of the NDAA for FY 2018 (Pub. L. 115–91). Section 836 authorizes DoD contracting officers to close out certain physically complete contracts or groups of contracts through modification of such contracts, without completing the requirements of Federal Acquisition Regulation (FAR) 4.804–5(a)(3) through (15) based upon the age of the contract action.

DoD published a final rule at 84 FR 18153 on April 30, 2019, to implement sections 836 of the NDAA for FY 2017 and 824 of the NDAA for FY 2018. The final rule provided similar authorities for contracts meeting certain criteria that were entered into on a date that was at least 17 fiscal years prior to the current fiscal year.

II. Discussion and Analysis

Section 820 expands the application of the expedited contract closeout authority of section 836 of the NDAA for FY 2017, implemented at DFARS 204.804(3)(i)(A), to certain contracts or groups of contracts that were awarded at least 7 or 10 fiscal years before the current fiscal year and have completed performance or delivery at least four years prior to the current fiscal year.

DFARS 204.804(3)(i)(A) currently provides a blanket application of the 17 fiscal year standard, when certain requirements at 204.804(3)(i)(B) and (C) are met. Section 820 provides two new standards, one of which provides a similar blanket application, but the number of fiscal years is reduced from 17 to 7. The second standard of at least 10 fiscal years only applies to contracts or groups of contracts for military construction, as defined in 10 U.S.C. 2801, or shipbuilding. Both new standards require physical completion (see FAR 4.804–4) at least four years prior to the current fiscal year.

III. Applicability to Contracts at or Below the Simplified Acquisition Threshold (SAT) and for Commercial Items, Including Commercially Available Off-The-Shelf (COTS) Items

This proposed rule does not create any new solicitation provisions or contract clauses. It does not impact any existing solicitation provisions or contract clauses or their applicability to contracts valued at or below the simplified acquisition threshold or for commercial items, including COTS items.

IV. Expected Impact of the Rule

DFARS 204.804(3)(i) currently provides for the expedited closeout of contracts or groups of contracts without completion of a reconciliation audit or other corrective actions required by FAR 4.804–5(a)(3) through (15) if certain criteria are met. If a contract was entered into at least 17 years prior to the current fiscal year, is physically complete, and has been determined not reconcilable, the contracting officer may close the contract through a negotiated settlement.

This rule reduces the age requirement from 17 years to 10 years for military construction and shipbuilding and 7 years for all other contract actions. The rule adds a new requirement that these contracts must be physically complete at least four years prior to the current fiscal year.

The expanded authority will apply to more recent contracts, subject to the other criteria in DFARS 204.804(3)(i), to reduce the current backlog and administration requirements for contracts eligible for closeout.

V. Executive Orders 12866 and 13563

Executive Orders (E.O.s) 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This is not a significant regulatory action and, therefore, was not subject to review under section 6(b) of E.O. 12866, Regulatory Planning and Review, dated September 30, 1993.

VI. Congressional Review Act

As required by the Congressional Review Act (5 U.S.C. 801–808) before an interim or final rule takes effect, DoD will submit a copy of the interim or final rule with the form, Submission of Federal Rules Under the Congressional Review Act, to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States. A major rule under the Congressional Review Act cannot take effect until 60 days after it is published in the **Federal Register**. This rule is not anticipated to be a major rule under 5 U.S.C. 804.

VII. Regulatory Flexibility Act.

DoD does not expect this rule to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.,* because this rule implements requirements primarily for the Government. However, an initial regulatory flexibility analysis has been performed and is summarized as follows:

This rule proposes to amend the Defense Federal Acquisition Regulation Supplement (DFARS) to implement section 820 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2021 (Pub. L. 116–283). Section 820 expands the application of the expedited contract closeout authority of section 836 of the NDAA for FY 2017, implemented at DFARS 204.804(3)(i)(A), to certain contracts or groups of contracts that were awarded at least 7 to 10 FYs before the current FY and have completed performance or delivery at least four years prior to the current FY. The new 10-year standard

will apply to contracts or groups of contracts for military construction, as defined in 10 U.S.C. 2801, or shipbuilding, while the 7-year standard will apply to all other contracts.

The objective of the rule is to implement the requirements of section 820, which expands the application of the expedited contract closeout authority of section 836 of the NDAA for FY 2017 to more recent, physically complete contracts. The legal basis of the rule is section 820 of the NDAA for FY 2021.

This rule will likely affect small entities that have been or will be awarded DoD contracts, including those under FAR part 12 procedures for the acquisition of commercial items, including commercially available off-the-shelf items. Data was obtained from the Electronic Data Access module of the Procurement Integrated Enterprise Environment for contracts that were physically completed at least four years ago and are eligible for closeout between the new standard of 7 or 10 years and the previous standard of at least 17 fiscal years after award. The data were then compared to the Federal Procurement Data System (FPDS) to estimate the number of contracts awarded to small entities. Contracts subject to the previous standard of 17 years are included in this estimate.

As of April 2021, the FPDS data indicate that approximately 29,200 contracts, eligible for expedited closeout under the 7-year standard, were awarded to an estimated 4,490 unique small entities. An additional estimated 1,775 contracts, subject to the 10-year standard, were awarded to approximately 576 small entities. As a result, DoD estimates that approximately 5,066 small entities will have the opportunity to benefit from the expanded expedited contract authorities provided in this rule.

The rule does not impose any new reporting, recordkeeping, or compliance requirements.

The rule does not duplicate, overlap, or conflict with any other Federal rules.

There are no practical alternatives that will accomplish the objectives of the statute.

DoD invites comments from small business concerns and other interested parties on the expected impact of this rule on small entities.

DoD will also consider comments from small entities concerning the existing regulations in subparts affected by the rule in accordance with 5 U.S.C. 610. Interested parties must submit such comments separately and should cite 5 U.S.C. 610 (DFARS Case 2021–D012), in correspondence.

VIII. Paperwork Reduction Act

This rule does not contain any information collection requirements that require the approval of the Office of Management and Budget (OMB) under the Paperwork Reduction Act (44 U.S.C. chapter 35).

List of Subjects in 48 CFR Part 204

Government procurement.

Jennifer D. Johnson,

Editor/Publisher, Defense Acquisition Regulations System.

Therefore, 48 CFR part 204 is proposed to be amended as follows:

PART 204—ADMINISTRATIVE AND INFORMATION MATTERS

■ 1. The authority citation for 48 CFR part 204 continues to read as follows:

Authority: 41 U.S.C. 1303 and 48 CFR chapter 1.

■ 2. Amend section 204.804 by revising paragraph (3)(i) to read as follows:

§ 204.804 Closeout of contract files.

* * * * *

(3)(i) In accordance with section 836 of the National Defense Authorization Act for Fiscal Year 2017 (Pub. L. 114–328), section 824 of the National Defense Authorization Act for Fiscal Year 2018 (Pub. L. 115–91), and section 820 of the National Defense Authorization Act for Fiscal Year 2021 (Pub. L. 116–283), contracting officers may close out contracts or groups of contracts through issuance of one or more modifications to such contracts without completing a reconciliation audit or other corrective action in accordance with FAR 4.804–5(a)(3) through (15), as appropriate, if each contract—

(A)(*1*) For military construction (as defined at 10 U.S.C. 2801) or shipbuilding, was awarded at least 10 fiscal years before the current fiscal year; or

(*2*) For all other contracts, was awarded at least 7 fiscal years before the current fiscal year;

(B) The performance or delivery was completed at least 4 years prior to the current fiscal year; and

(C) Has been determined by a contracting official, at least one level above the contracting officer, to be not otherwise reconcilable, because—

(*1*) The contract or related payment records have been destroyed or lost; or

(*2*) Although contract or related payment records are available, the time or effort required to establish the exact amount owed to the U.S. Government or amount owed to the contractor is disproportionate to the amount at issue.

* * * * *

[FR Doc. 2021–18341 Filed 8–27–21; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

48 CFR Parts 215 and 242

[Docket DARS–2021–0015]

RIN 0750–AK95

Defense Federal Acquisition Regulation Supplement: Requiring Data Other Than Certified Cost or Pricing Data (DFARS Case 2020–D008)

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Proposed rule.

SUMMARY: DoD is proposing to amend the Defense Federal Acquisition Regulation Supplement (DFARS) to implement a section of the National Defense Authorization Act for Fiscal Year 2020 that provides additional requirements relating to the submission of data other than certified cost or pricing data.

DATES: Comments on the proposed rule should be submitted in writing to the address shown below on or before October 29, 2021, to be considered in the formation of a final rule.

ADDRESSES: Submit comments identified by DFARS Case 2020–D008, using any of the following methods:

○ *Federal eRulemaking Portal: https://www.regulations.gov.* Search for ''DFARS Case 2020–D008.'' Select ''Comment'' and follow the instructions to submit a comment. Please include your name, company name (if any), and ''DFARS Case 2020–D008'' on any attached document.

○ *Email: osd.dfars@mail.mil.* Include DFARS Case 2020–D008 in the subject line of the message.

Comments received generally will be posted without change to *https://www.regulations.gov,* including any personal information provided. To confirm receipt of your comment(s), please check *https://www.regulations.gov,* approximately two to three days after submission to verify posting.

FOR FURTHER INFORMATION CONTACT: Mr. David E. Johnson, telephone 571–372–6115.

SUPPLEMENTARY INFORMATION:

I. Background

DoD is proposing to amend the DFARS to implement section 803 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2020 (Pub. L. 116–92), which amends 10 U.S.C. 2306a(d) as follows: To prohibit contracting officers from determining that the price of a contract or subcontract is fair and reasonable based solely on historical prices paid by the Government; and, when an offeror fails to make a good faith effort to comply with a reasonable request to submit data, to state that an offeror is ineligible for award if the contracting officer is unable to determine, by any other means, that the proposed prices are fair and reasonable, unless the head of the contracting activity (HCA) determines that it is in the best interest of the Government to make the award to that offeror.

II. Discussion and Analysis

This rule proposes changes to DFARS 215.403–3(a). The amendment to 10 U.S.C. 2306a(d)(1) is implemented in DFARS 215.403–3(a)(1), by prohibiting contracting officers from basing the determination that the price of a contract is fair and reasonable solely on historical prices paid by the Government.

The new paragraph (d)(2) at 10 U.S.C. 2306a states that offerors who fail to comply with a reasonable request to submit data needed to determine price reasonableness are ineligible for award, unless the HCA determines that it is in the best interest of the Government to make the award. This requirement is already implemented in the Federal Acquisition Regulation (FAR) at 15.403–3(a)(4). However, the criteria in 10 U.S.C. 2306a(d)(2) for the determination made by the HCA are included in DFARS 215.403–3(a)(4), in lieu of the criteria in the FAR, because the criteria for DoD are not the same as the criteria for the civilian agencies.

In accordance with 10 U.S.C. 2306a(d)(2)(B)(ii), this proposed rule amends DFARS 242.1502(g), to add the requirement that, unless exempted by the HCA, a notation is required in the Contractor Performance Assessment Reporting System that, despite receiving an award, the contractor has denied multiple requests for submission of data other than certified cost or pricing data over the preceding three-year period.

This proposed amendment to the DFARS also makes conforming changes to 215.404–1.

III. Applicability to Contracts at or Below the Simplified Acquisition Threshold (SAT) and for Commercial Items, Including Commercially Available Off-the-Shelf (COTS) Items

This rule does not propose to create any new solicitation provisions or contract clauses. It does not impact any existing solicitation provisions or contract clauses or their applicability to contracts valued at or below the simplified acquisition threshold or for commercial items, including COTS items.

IV. Executive Orders 12866 and 13563

Executive Orders (E.O.s) 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This is not a significant regulatory action and, therefore, was not subject to review under section 6(b) of E.O. 12866, Regulatory Planning and Review, dated September 30, 1993.

V. Congressional Review Act

As required by the Congressional Review Act (5 U.S.C. 801–808) before an interim or final rule takes effect, DoD will submit a copy of the interim or final rule with the form, Submission of Federal Rules under the Congressional Review Act, to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States. A major rule under the Congressional Review Act cannot take effect until 60 days after it is published in the **Federal Register**. This rule is not anticipated to be a major rule under 5 U.S.C. 804.

VI. Regulatory Flexibility Act

DoD does not expect this proposed rule to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.,* because it does not add any new compliance requirements on small entities. However, an initial regulatory flexibility analysis has been performed and is summarized as follows:

This proposed rule is necessary in order to implement section 803 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2020, which amends 10 U.S.C. 2306a(d).

The objective of this rule is to implement section 803 of the NDAA for FY 2020, which is the legal basis for this rule. Section 803 provides additional requirements for contracting officers and the head of the contracting activity relating to obtaining data other than certified cost or pricing data.

This rule does not directly impose requirements on small entities. The requirement making certain offerors ineligible for award is already in the Federal Acquisition Regulation (FAR). This rule impacts: (1) The contracting officer's need for data other than historical prices paid by the Government, unless there is adequate price competition; and (2) the criteria for use by the head of the contracting activity for a determination to make an award. In some cases, the contracting officer's need for data other than historical prices paid by the Government may result in a request for additional data from an offeror. Based on data from the Federal Procurement Data System for FY 2018 through FY 2020, DoD estimates that 1,672 small entities may receive a request for additional data.

There are no new reporting, recordkeeping, or other compliance requirements on small entities.

The rule does not duplicate, overlap, or conflict with any other Federal rules.

There are no significant alternatives, which would accomplish the stated objectives of the rule and minimize the impact on small entities. However, the rule has no significant economic impact on small entities.

DoD invites comments from small business concerns and other interested parties on the expected impact of this rule on small entities.

DoD will also consider comments from small entities concerning the existing regulations in subparts affected by this rule in accordance with 5 U.S.C. 610. Interested parties must submit such comments separately and should cite 5 U.S.C. 610 (DFARS Case 2020–D008), in correspondence.

VII. Paperwork Reduction Act

The rule does not contain any information collection requirements that require the approval of the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. chapter 35).

List of Subjects in 48 CFR Parts 215 and 242

Government procurement.

Jennifer D. Johnson,

Editor/Publisher, Defense Acquisition Regulations System.

Therefore, 48 CFR parts 215 and 242 are proposed to be amended as follows:

■ 1. The authority citation for parts 215 and 242 continues to read as follows:

Authority: 41 U.S.C. 1303 and 48 CFR chapter 1.

PART 215—CONTRACTING BY NEGOTIATION

■ 2. Amend section 215.403–3 by adding paragraph (a) to read as follows:

§ 215.403–3 Requiring data other than certified cost or pricing data.

* * * * *

(a)(1) Contracting officers shall not determine the price of a contract to be fair and reasonable based solely on historical prices paid by the Government (see PGI 215.403–3(4)) (10 U.S.C. 2306a(d)).

(4) In accordance with 10 U.S.C. 2306a(d) and in lieu of the factors for consideration listed in FAR 15.403–3(a)(4), a determination by the head of the contracting activity that it is in the best interest of the Government to make the award to an offeror that does not comply with a requirement to submit data other than certified cost or pricing data shall be based on consideration of pertinent factors, including the following:

(A) The effort to obtain the data.

(B) Availability of other sources of supply of the item or service.

(C) The urgency or criticality of the Government's need for the item or service.

(D) Reasonableness of the price of the contract, subcontract, or modification of the contract or subcontract based on information available to the contracting officer.

(E) Rationale or justification made by the offeror for not providing the requested data.

(F) Risk to the Government if award is not made.

* * * * *

■ 3. Amend section 215.404–1 by revising paragraphs (b)(ii) and (v) introductory text to read as follows:

§ 215.404–1 Proposal analysis techniques.

* * * * *

(b) * * *

(ii) If the contracting officer determines that the information obtained through market research is insufficient to determine the reasonableness of price, the contracting officer shall consider information submitted by the offeror of recent purchase prices paid by the Government and commercial customers for the same or similar commercial items under comparable terms and conditions in establishing price reasonableness on a subsequent purchase if the contracting officer is satisfied that the prices previously paid remain a valid reference for comparison. Price reasonableness shall not be based solely on historical prices paid by the Government (see 215.403–3(a)(1)). The contracting officer shall consider the totality of other relevant factors such as the time elapsed since the prior purchase and any differences in the quantities purchased (10 U.S.C. 2306a(b)(5)).

* * * * *

(v) When evaluating pricing data, the contracting officer shall consider materially differing terms and conditions, quantities, and market and economic factors (see PGI 215.404–1(b)(v)). For similar items, the contracting officer shall also consider material differences between the similar item and the item being procured (see FAR 15.404–1(b)(2)(ii)(B)). Material differences are those that could reasonably be expected to influence the contracting officer's determination of price reasonableness. The contracting officer shall consider the following factors when evaluating the relevance of the information available:

* * * * *

PART 242—CONTRACT ADMINISTRATION AND AUDIT SERVICES

■ 4. Revise section 242.1502 to read as follows:

§ 242.1502 Policy.

(g) Past performance evaluations in the Contractor Performance Assessment Reporting System—

(i) Shall include an assessment of the contractor's performance against, and efforts to achieve, the goals identified in its comprehensive small business subcontracting plan when the contract contains the clause at 252.219–7004, Small Business Subcontracting Plan (Test Program); and

(ii) Shall, unless exempted by the head of the contracting activity, include a notation on contractors that have denied multiple requests for submission of data other than certified cost or pricing data over the preceding 3-year period, but nevertheless received an award (10 U.S.C. 2306a(d)(2)(B)(ii)).

[FR Doc. 2021–18339 Filed 8–27–21; 8:45 am]

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DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

48 CFR Parts 225 and 252

[Docket DARS–2021–0012]

RIN 0750–AK85

Defense Federal Acquisition Regulation Supplement: Maximizing the Use of American-Made Goods (DFARS Case 2019–D045)

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Proposed rule.

SUMMARY: DoD is proposing to amend the Defense Federal Acquisition Regulation Supplement (DFARS) to implement an Executive order regarding maximizing the use of American-made goods, products, and materials.

DATES: Comments on the proposed rule should be submitted in writing to the address shown below on or before October 29, 2021, to be considered in the formation of a final rule.

ADDRESSES: Submit comments identified by DFARS Case 2019–D045, using any of the following methods:

○ *Federal eRulemaking Portal: https://www.regulations.gov.* Search for ''DFARS Case 2019–D045'' in the search box and select ''Search.'' Select ''Comment'' and follow the instructions to submit a comment. Please include your name, company name (if any), and ''DFARS Case 2019–D045'' on any attached document.

○ *Email: osd.dfars@mail.mil.* Include DFARS Case 2019–D045 in the subject line of the message.

Comments received generally will be posted without change to *https://www.regulations.gov,* including any personal information provided. To confirm receipt of your comment(s), please check *https://www.regulations.gov,* approximately two to three days after submission to verify posting.

FOR FURTHER INFORMATION CONTACT: Ms. Kimberly Bass, telephone 571–372–6174.

SUPPLEMENTARY INFORMATION:

I. Background

DoD is proposing to amend the DFARS to implement section 2(a)(i) of Executive Order (E.O.) 13881, Maximizing Use of American-Made Goods, Products, and Materials, which changes the percentages used to determine whether a product is

domestic or foreign under the Buy American statute (41 U.S.C. chapter 83). Section 2(a)(i) of E.O. 13881 is not inconsistent with E.O. 14005, Ensuring the Future Is Made in All of America by All of America's Workers, which supersedes E.O. 13881 to the extent that it is inconsistent with E.O. 14005. E.O. 13881 calls for more aggressive implementation of the Buy American statute to maximize the Government's procurement of American-made goods, products, and materials. The Buy American statute requires the purchase of domestic products (both end products and construction materials), except for instances when the domestic product is not available, the domestic product is only available at an unreasonable cost, or it would not be in the public interest to buy the domestic product.

E.O. 13881 supersedes E.O. 10582, Prescribing Procedures for Certain Determinations under the Buy American Act, to the extent that it is inconsistent with E.O. 13881, by establishing that under the Buy American statute a product is foreign if the cost of the foreign components used in such end product constitutes 45 percent or more of the cost of all products used in such end products, except that iron and steel products are foreign if the cost of foreign iron and steel equals or constitutes 5 percent of the cost of all products used in iron and steel end products.

In order to promote economic and national security, stimulate economic growth, and create jobs, this rule proposes to strengthen domestic preferences under the Buy American statute by changing how a domestic product is defined, while also maintaining the exception to the statutory requirement for qualifying countries.

II. Discussion and Analysis

The Buy American statute is implemented in Federal Acquisition Regulation (FAR) part 25. Revisions to the FAR to implement E.O. 13881 have been accomplished under FAR Case 2019–016, published in the **Federal Register** on January 19, 2021 (86 FR 6180). This rule proposes revisions to DFARS part 225 and the associated clauses to implement the DoD-unique requirements and conforming changes associated with implementation of E.O. 13881.

Revisions are proposed to the definitions of ''domestic end product'' and ''domestic construction material.'' Specifically, these definitions are each broken into two paragraphs to differentiate between end products and construction material that consist wholly or predominantly of iron or steel or a combination of both, and those that do not. Per the revised definition of ''domestic end product,'' an end product that consists wholly or predominantly of iron or steel, or a combination of both, is only considered a domestic end product if the end product is manufactured in the United States, and the cost of iron and steel not produced in the United States, or a qualifying country, constitutes less than 5 percent of the cost of all the materials used in the end product. For ''domestic construction material,'' if the construction material consists wholly or predominantly of iron or steel, or a combination of both, then the cost of iron and steel not produced in the United States (excluding fasteners) must constitute less than 5 percent of the cost of all the components used in the construction material. As explained in the definition of ''foreign iron and steel'' at FAR 25.003, ''produced in the United States'' means that all manufacturing processes of the iron or steel must take place in the United States, from the initial melting stage through the application of coatings, except metallurgical processes involving refinement of steel additives.

The definition of a ''domestic end product'' is further revised to stipulate that if the end product does not consist wholly or predominantly of iron or steel, or a combination of both, then it is only considered a domestic end product if the end product is manufactured in the United States, and the cost of its qualifying country components and its components that are mined, produced, or manufactured in the United States exceeds 55 percent (an increase from 50 percent) of the cost of all its components. Similarly, for ''domestic construction material'' that does not consist wholly or predominantly of iron or steel, or a combination of both, the cost of its components mined, produced, or manufactured in the United States must exceed 55 percent (an increase from 50 percent) of the cost of all its components. In both cases, components of unknown origin are treated as foreign.

Conforming changes are made throughout the DFARS to implement the revised definitions, to include revisions to the description of the two-part test for domestic end products at DFARS 225.101. This rule also proposes definitions for the terms ''predominantly of iron or steel or a combination of both'' and ''steel,'' which are used in the revised definitions of ''domestic end product'' and ''domestic construction material.'' Conforming changes are also made to redesignate paragraph numbers to reflect current drafting conventions in definitions for a number of clauses that are being updated.

No changes are proposed in this rule to implement the E.O. 13881 change to the percentage factor used to determine whether the offered price of material of domestic origin is unreasonable or inconsistent with public interest. E.O. 13881 increases the percentage factor from 6 percent to 20 percent for entities other than small businesses, and from 12 percent to 30 percent for small businesses. However, DoD already uses a 50 percent factor for both large and small businesses, so no change is necessary for DoD to comply with the increased percentage factors in E.O. 13881. In addition, E.O. 13881 does not remove any existing exemptions to the Buy American statute for products of qualifying countries; therefore, this rule does not include any proposed changes to the exemptions.

III. Applicability to Contracts at or Below the Simplified Acquisition Threshold and for Commercial Items, Including Commercially Available Off-The-Shelf Items

This proposed rule does not add any new provisions or clauses, nor change the applicability of existing provisions or clauses to contracts at or below the simplified acquisition threshold and contracts for the acquisition of commercial items, including commercially available off-the-shelf items.

IV. Expected Impact of the Rule

The current FAR contract clauses implementing the Buy American statute apply to a narrow set of procurements. In addition, because the Federal Acquisition Regulatory Council retained the commercially available off-the-shelf (COTS) items exception for most COTS items in its implementation of the E.O. in the FAR, the heightened domestic content requirements will not be applicable to those procurements. (See the final rule for FAR Case 2019–016 published at 86 FR 6180 on January 19, 2021.) This proposed DFARS rule takes the same approach.

Domestic industries supplying domestic end products are likely to benefit from a competitive advantage as a result of the FAR and DFARS implementation. Based on the E.O., it is unclear if the pool of qualified suppliers would be reduced, resulting in less competition and a possible increase in prices that the Government will pay to procure these products. At least three arguments point to the likelihood that any increase in burden on contractors would be small, if not de minimis:

(1) Familiarization costs should be low.

(2) Some, if not many, contractors may already be able to meet the more stringent threshold.

(3) Costs incurred by contractors who adjust their supply chains, so that their end products qualify as domestic, will enjoy a larger price preference that should help to offset these costs over time.

Each of these arguments is explained below.

First, DoD does not anticipate significant costs from contractor familiarization with the rule given the recent publication of the FAR final rule implementing E.O. 13881 and the history of rulemaking and E.O.s in general in this area. The basic mechanics of the Buy American statute (*e.g.,* how and when the price preference is used to favor domestic end products, certifications required of offerors to demonstrate end products are domestic) continue to reflect processes that have been in place for decades and are not new to contractors.

Second, some, if not many, contractors may already be able to comply with the lower foreign content requirement needed to meet the definition of domestic end product under E.O. 13881 and the proposed rule. Laws such as the SECURE Technology Act (Pub. L. 115–390), which requires a series of actions to strengthen the Federal infrastructure for managing supply chain risks, are placing significantly increased emphasis on Federal agencies and Federal Government contractors to identify and reduce risk in their supply chains.

One way to reduce supply chain risk is to increase domestic sourcing of content. In addition, in the context of iron and steel, many laws already in place call for more stringent accounting of domestic sourcing of content. For example, the Recovery Act required that all construction material for a project for the construction, alteration, maintenance, or repair of a public building or a public work in the United States, consisting wholly or predominantly of iron or steel, had to be produced in the United States when using Recovery Act funds, to the extent consistent with trade agreements (see FAR 25.602–1, implementing section 1605 of the Recovery Act).

In addition, Federal contractors who also work on contracts funded under Federal grants may, in some cases, find that the steel, iron, and manufactured goods used in the project must be produced in the United States, as is the case for certain funding administered by the Federal Transit Administration for public transportation projects (see 49 U.S.C. 5323(j)).

Third, it is anticipated that some contractors' products and construction materials may not meet the definition of domestic end product and construction material unless the contractors take steps to adjust their supply chains to increase the domestic content. Those contractors that make a business decision not to modify their supply chains will still be able to bid on DoD contracts but will no longer enjoy a price preference.

Accordingly, it is likely that the Federal market for iron and steel has already completed significant retooling and could meet the requirements of E.O. 13881 without too much additional effort.

This rule proposes to amend clauses that implement the Buy American statute. There are 4 clauses affected by the changes in this rule:

(1) 252.225–7001, Buy American and Balance of Payments Program (Basic and Alternate I).

(2) 252.225–7036, Buy American—Free Trade Agreements—Balance of Payments Program (Basic and Alternates I–V).

(3) 252.225–7044, Balance of Payments Program—Construction Material (Basic and Alternate I).

(4) 252.225–7045, Balance of Payments Program—Construction Material (Basic and Alternates I–III).

This rule changes the definitions of ''domestic end product'' and ''domestic construction material.'' The rule also adds the definitions of ''steel'' and ''predominantly of iron or steel or a combination of both'' in the clauses to conform the DFARS with the FAR implementation of E.O. 13881.

According to the Federal Procurement Data System (FPDS) data for fiscal year (FY) 2017, FY 2018, and FY 2019 for new awards with a foreign place of performance for construction valued over the micro-purchase threshold and for awards for supplies, DoD awarded an average of 3,222 construction contracts with a foreign place of performance per year. In addition, DoD awarded an average of 332,607 supply contracts per year during FY 2017 through FY 2019.

In summary, the rule will strengthen domestic preferences under the Buy American statute and provide both large and small businesses the opportunity and incentive to deliver U.S. manufactured products from domestic suppliers. It is expected that this rule will benefit large and small U.S. manufacturers, including those of iron or steel.

Therefore, it is estimated that any increase in implementation costs associated with this rule is de minimis.

V. Executive Orders 12866 and 13563

E.O.s 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This is a significant regulatory action and, therefore, was subject to review under section 6(b) of E.O. 12866, Regulatory Planning and Review, dated September 30, 1993.

VI. Congressional Review Act

As required by the Congressional Review Act (5 U.S.C. 801–808), before an interim or final rule takes effect, DoD will submit a copy of the interim or final rule with the form, Submission of Federal Rules under the Congressional Review Act, to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States. A major rule under the Congressional Review Act cannot take effect until 60 days after it is published in the **Federal Register**. This rule is not anticipated to be a major rule under 5 U.S.C. 804.

VII. Regulatory Flexibility Act

DoD does not expect this proposed rule to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.* However, an initial regulatory flexibility analysis has been performed and is summarized as follows:

The rule proposes to amend the Defense Federal Acquisition Regulation Supplement (DFARS) to implement section 2(a)(i) of Executive Order (E.O.) 13881, Maximizing Use of American-Made Goods, Products, and Materials, and also makes conforming changes to the applicable clauses as a result of implementation of this E.O. in the Federal Acquisition Regulation (FAR).

The objective of this rule is to strengthen domestic preferences under the Buy American statute, as required by E.O. 13881, by changing how a domestic product and domestic construction material are defined.

Data was obtained from the Federal Procurement Data System (FPDS) on awards valued over the micro-purchase threshold in fiscal year (FY) 2017, FY

2018, and FY 2019 that had a foreign place of performance and were for construction. DoD awarded an average of 3,222 construction contracts with a foreign place of performance per year during FY 2017 through FY 2019. Of those construction contracts, approximately 65 were awarded to 32 unique small entities per year.

Data was also obtained from FPDS for FY 2017 through FY 2019 on awards valued over the micro-purchase threshold for supplies made in the United States. DoD awarded an average of 332,607 supply contracts per year during FY 2017 through FY 2019. Of those supply contracts, approximately 154,422 supply contracts were awarded to 13,480 unique small entities per year.

The rule will strengthen domestic preferences under the Buy American statute and provide small businesses the opportunity and incentive to deliver U.S. manufactured products from domestic suppliers. It is expected that this rule generally will benefit U.S. small business manufacturers, including those of iron or steel. Small business manufacturers who do not already meet the increased domestic content requirements of this proposed rule may need to adjust their supply chains. DoD does not have data on how many small business manufacturers may decide to make such adjustments.

This rule does not include any new reporting, recordkeeping, or other compliance requirements for small businesses. This rule only changes the definitions of ''domestic end product'' and ''domestic construction material'' and adds the definitions of ''predominantly of iron or steel or a combination of both'' and ''steel'' to conform the DFARS with the FAR revisions as a result of E.O. 13881 implementation. Overall, the rule does not impose any additional compliance requirements on contractors or process procedures for the Government, other than to increase the percentages for use in the domestic content test applied to offers of manufactured end products.

The rule does not duplicate, overlap, or conflict with any other Federal rules.

There are no known significant alternative approaches to the proposed rule that would meet the requirements of E.O. 13881.

DoD invites comments from small business concerns and other interested parties on the expected impact of this rule on small entities.

DoD will also consider comments from small entities concerning the existing regulations in subparts affected by this rule in accordance with 5 U.S.C. 610. Interested parties must submit such comments separately and should cite 5 U.S.C. 610 (DFARS Case 2019–D045), in correspondence.

VII. Paperwork Reduction Act

The rule does not contain any information collection requirements that require the approval of the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. chapter 35).

List of Subjects in 48 CFR Parts 225 and 252

Government procurement.

Jennifer D. Johnson,

Editor/Publisher, Defense Acquisition Regulations System.

Therefore, 48 CFR parts 225 and 252 are proposed to be amended as follows:

■ 1. The authority citation for parts 225 and 252 continues to read as follows:

Authority: 41 U.S.C. 1303 and 48 CFR chapter 1.

PART 225—FOREIGN ACQUISITION

■ 2. Amend section 225.003 by:

■ a. Revising the definition of ''Domestic end product'';

■ b. Removing the definition ''Qualifying country component and qualifying country end product''; and

■ c. Adding definitions for ''Qualifying country component'' and ''Qualifying country end product'' in alphabetical order.

The revision and additions read as follows:

225.003 Definitions.

* * * * *

Domestic end product means—

(1) For an end product that does not consist wholly or predominantly of iron or steel or a combination of both—

(i) An unmanufactured end product mined or produced in the United States; or

(ii) An end product manufactured in the United States if—

(A) The cost of its qualifying country components and its components that are mined, produced, or manufactured in the United States exceeds 55 percent of the cost of all its components. The cost of components includes transportation costs to the place of incorporation into the end product and U.S. duty (whether or not a duty-free entry certificate is issued). Components of unknown origin are treated as foreign. Scrap generated, collected, and prepared for processing in the United States is considered domestic. A component is considered to have been mined, produced, or manufactured in the United States (regardless of its source in fact) if the end product in which it is incorporated is manufactured in the United States and the component is of a class or kind for which the Government has determined that—

(*1*) Sufficient and reasonably available commercial quantities of a satisfactory quality are not mined, produced, or manufactured in the United States; or

(*2*) It is inconsistent with the public interest to apply the restrictions of the Buy American statute; or

(B) The end product is a commercially available off-the-shelf (COTS) item; or

(2) For an end product that consists wholly or predominantly of iron or steel or a combination of both, an end product manufactured in the United States, if the cost of iron and steel not produced in the United States or a qualifying country constitutes less than 5 percent of the cost of all the components used in the end product (produced in the United States or a qualifying country means that all manufacturing processes of the iron or steel must take place in the United States or a qualifying country, except metallurgical processes involving refinement of steel additives). The cost of iron and steel not produced in the United States or a qualifying country includes but is not limited to the cost of iron or steel mill products (such as bar, billet, slab, wire, plate, or sheet), castings, or forgings, not produced in the United States or a qualifying country, utilized in the manufacture of the end product and a good faith estimate of the cost of all iron or steel components not produced in the United States or a qualifying country, excluding COTS fasteners. Iron or steel components of unknown origin are treated as foreign. If the end product contains multiple components, the cost of all the materials used in such end product is calculated in accordance with the explanation of cost of components in paragraph (1)(ii)(A) of this definition.

* * * * *

Qualifying country component means a component mined, produced, or manufactured in a qualifying country.

Qualifying country end product means—

(1) An unmanufactured end product mined or produced in a qualifying country; or

(2) An end product manufactured in a qualifying country if—

(i) The cost of the following types of components exceeds 50 percent of the cost of all its components:

(A) Components mined, produced, or manufactured in a qualifying country.

(B) Components mined, produced, or manufactured in the United States.

(C) Components of foreign origin of a class or kind for which the Government has determined that sufficient and reasonably available commercial quantities of a satisfactory quality are not mined, produced, or manufactured in the United States. Components of unknown origin are treated as foreign; or

(ii) The end product is a COTS item.

* * * * *

■ 3. Revise the subpart 225.1 heading to read as follows:

SUBPART 225.1—BUY AMERICAN—SUPPLIES

■ 4. Amend section 225.101 by revising paragraph (a)(ii) to read as follows:

225.101 General.

(a) * * *

(ii)(A) Except for an end product that consists wholly or predominantly of iron or steel or a combination of both, the cost of its U.S. and qualifying country components exceeds 55 percent of the cost of all its components. This test is applied to end products only and not to individual components.

(B) For an end product that consists wholly or predominantly of iron or steel or a combination of both, the cost of iron and steel not produced in the United States or a qualifying country must constitute less than 5 percent of the cost of all the components used in the end product. The cost of iron and steel not produced in the United States or a qualifying country includes but is not limited to the cost of iron or steel mill products (such as bar, billet, slab, wire, plate, or sheet), castings, or forgings, not produced in the United States or a qualifying country, utilized in the manufacture of the end product and a good faith estimate of the cost of all iron or steel components not produced in the United States or a qualifying country, excluding commercially available off-the-shelf (COTS) fasteners. The domestic content test of the Buy American statute has not been waived for acquisitions of COTS items in this category, except for COTS fasteners.

* * * * *

225.502 [Amended]

■ 5. Amend section 225.502 by—

■ a. In paragraph (c)(ii)(B), removing ''225.504(1)'' and adding ''PGI 225.504(1)'' in its place;

■ b. In paragraph (c)(ii)(D), removing ''225.504(2)'' and adding ''PGI 225.504(2)'' in its place;

■ c. In paragraph (c)(ii)(E)(*1*), removing ''225.504(3)'' and adding ''PGI 225.504(3)'' in its place; and

■ d. In paragraph (c)(ii)(E)(*2*), removing ''225.504(4)'' and adding ''PGI 225.504(4)'' in its place.

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 6. Amend section 252.225–7001 by—

■ a. Removing the clause date of ''(DEC 2017)'' and adding ''(DATE)'' in its place;

■ b. In paragraph (a)—

■ i. In the definition of ''Commercially available off-the-shelf (COTS) item'', redesignating paragraphs (i) introductory text, (i)(A), (B), and (C), and (ii) as paragraphs (1) introductory text, (1)(i), (ii), and (iii), and (2), respectively;

■ ii. Revising the definition of ''Domestic end product'';

■ iii. Adding, in alphabetical order, the definition of ''Predominantly of iron or steel or a combination of both'';

■ iv. Revising the definition of ''Qualifying country end product''; and

■ v. Adding, in alphabetical order, the definition of ''Steel''; and

■ c. In Alternate I—

■ i. Removing the clause date of ''(DEC 2017)'' and adding ''(DATE)'' in its place; and

■ ii. In paragraph (a)—

■ A. In the definition of ''Commercially available off-the-shelf (COTS) item'', redesignating paragraphs (i) introductory text, (i)(A), (B), and (C), and (ii) as paragraphs (1) introductory text, (1)(i), (ii), and (iii), and (2), respectively;

■ B. Revising the definition of ''Domestic end product'';

■ C. Adding, in alphabetical order, the definition of ''Predominantly of iron or steel or a combination of both'';

■ D. Revising the definition of ''Qualifying country end product'';

■ E. In the definition of ''South Caucasus/Central and South Asian (SC/CASA) state end product'', redesignating paragraphs (i) and (ii) as paragraphs (1) and (2), respectively; and

■ F. Adding, in alphabetical order, the definition of ''Steel''.

The revisions and additions read as follows:

252.225–7001 Buy American and Balance of Payments Program.

* * * * *

(a) * * *

Domestic end product means—

(1) For an end product that does not consist wholly or predominantly of iron or steel or a combination of both—

(i) An unmanufactured end product mined or produced in the United States; or

(ii) An end product manufactured in the United States if—

(A) The cost of its qualifying country components and its components that are mined, produced, or manufactured in the United States exceeds 55 percent of the cost of all its components. The cost of components includes transportation costs to the place of incorporation into the end product and U.S. duty (whether or not a duty-free entry certificate is issued). Components of unknown origin are treated as foreign. Scrap generated, collected, and prepared for processing in the United States is considered domestic. A component is considered to have been mined, produced, or manufactured in the United States (regardless of its source in fact) if the end product in which it is incorporated is manufactured in the United States and the component is of a class or kind for which the Government has determined that—

(*1*) Sufficient and reasonably available commercial quantities of a satisfactory quality are not mined, produced, or manufactured in the United States; or

(*2*) It is inconsistent with the public interest to apply the restrictions of the Buy American statute; or

(B) The end product is a COTS item; or

(2) For an end product that consists wholly or predominantly of iron or steel or a combination of both, an end product manufactured in the United States, if the cost of iron and steel not produced in the United States or a qualifying country constitutes less than 5 percent of the cost of all the components used in the end product (produced in the United States or a qualifying country means that all manufacturing processes of the iron or steel must take place in the United States or a qualifying country, except metallurgical processes involving refinement of steel additives). The cost of iron and steel not produced in the United States or a qualifying country includes but is not limited to the cost of iron or steel mill products (such as bar, billet, slab, wire, plate, or sheet), castings, or forgings, not produced in the United States or a qualifying country, utilized in the manufacture of the end product and a good faith estimate of the cost of all iron or steel components not produced in the United States or a qualifying country, excluding COTS fasteners. Iron or steel components of unknown origin are treated as foreign. If the end product contains multiple components, the cost of all the materials used in such end product is calculated in accordance with the explanation of cost of

components in paragraph (1)(ii)(A) of this definition.

* * * * *

Predominantly of iron or steel or a combination of both means that the cost of the iron and steel content exceeds 50 percent of the total cost of all its components. The cost of iron and steel is the cost of the iron or steel mill products (such as bar, billet, slab, wire, plate, or sheet), castings, or forgings utilized in the manufacture of the product and a good faith estimate of the cost of iron or steel components excluding COTS fasteners.

* * * * *

Qualifying country end product means—

(1) An unmanufactured end product mined or produced in a qualifying country; or

(2) An end product manufactured in a qualifying country if—

(i) The cost of the following types of components exceeds 50 percent of the cost of all its components:

(A) Components mined, produced, or manufactured in a qualifying country.

(B) Components mined, produced, or manufactured in the United States.

(C) Components of foreign origin of a class or kind for which the Government has determined that sufficient and reasonably available commercial quantities of a satisfactory quality are not mined, produced, or manufactured in the United States. Components of unknown origin are treated as foreign; or

(ii) The end product is a COTS item.

Steel means an alloy that includes at least 50 percent iron, between 0.02 and 2 percent carbon, and may include other elements.

* * * * *

Alternate I. * * *

(a) * * *

Domestic end product means—

(1) For an end product that does not consist wholly or predominantly of iron or steel or a combination of both—

(i) An unmanufactured end product mined or produced in the United States; or

(ii) An end product manufactured in the United States if—

(A) The cost of its qualifying country components and its components that are mined, produced, or manufactured in the United States exceeds 55 percent of the cost of all its components. The cost of components includes transportation costs to the place of incorporation into the end product and U.S. duty (whether or not a duty-free entry certificate is issued). Components of unknown origin are treated as foreign. Scrap generated, collected, and prepared for processing in the United States is considered domestic. A component is considered to have been mined, produced, or manufactured in the United States (regardless of its source in fact) if the end product in which it is incorporated is manufactured in the United States and the component is of a class or kind for which the Government has determined that—

(*1*) Sufficient and reasonably available commercial quantities of a satisfactory quality are not mined, produced, or manufactured in the United States; or

(*2*) It is inconsistent with the public interest to apply the restrictions of the Buy American statute; or

(B) The end product is a COTS item; or

(2) For an end product that consists wholly or predominantly of iron or steel or a combination of both, an end product manufactured in the United States, if the cost of iron and steel not produced in the United States or a qualifying country constitutes less than 5 percent of the cost of all the components used in the end product (produced in the United States or a qualifying country means that all manufacturing processes of the iron or steel must take place in the United States or a qualifying country, except metallurgical processes involving refinement of steel additives). The cost of iron and steel not produced in the United States or a qualifying country includes but is not limited to the cost of iron or steel mill products (such as bar, billet, slab, wire, plate, or sheet), castings, or forgings, not produced in the United States or a qualifying country, utilized in the manufacture of the end product and a good faith estimate of the cost of all iron or steel components not produced in the United States or a qualifying country, excluding COTS fasteners. Iron or steel components of unknown origin are treated as foreign. If the end product contains multiple components, the cost of all the materials used in such end product is calculated in accordance with the explanation of cost of components in paragraph (1)(ii)(A) of this definition.

* * * * *

Predominantly of iron or steel or a combination of both means that the cost of the iron and steel content exceeds 50 percent of the total cost of all its components. The cost of iron and steel is the cost of the iron or steel mill products (such as bar, billet, slab, wire, plate, or sheet), castings, or forgings utilized in the manufacture of the product and a good faith estimate of the cost of iron or steel components excluding COTS fasteners.

* * * * *

Qualifying country end product means—

(1) An unmanufactured end product mined or produced in a qualifying country; or

(2) An end product manufactured in a qualifying country if—

(i) The cost of the following types of components exceeds 50 percent of the cost of all its components:

(A) Components mined, produced, or manufactured in a qualifying country.

(B) Components mined, produced, or manufactured in the United States.

(C) Components of foreign origin of a class or kind for which the Government has determined that sufficient and reasonably available commercial quantities of a satisfactory quality are not mined, produced, or manufactured in the United States. Components of unknown origin are treated as foreign; or

(ii) The end product is a COTS item.

* * * * *

Steel means an alloy that includes at least 50 percent iron, between 0.02 and 2 percent carbon, and may include other elements.

* * * * *

■ 7. Amend section 252.225–7036 by—

■ a. Removing the clause date of ''(DEC 2017)'' and adding ''(DATE)'' in its place.

■ b. In paragraph (a)—

■ i. In the definition of ''Bahrainian end product'', redesignating paragraphs (i) and (ii) as paragraphs (1) and (2) respectively;

■ ii. In the definition of ''Commercially available off-the-shelf (COTS) item'', redesignating paragraphs (i) introductory text, (i)(A), (B), and (C), and (ii) as paragraphs (1) introductory text, (1)(i), (ii), and (iii), and (2) respectively;

■ iii. Revising the definition of ''Domestic end product'';

■ iv. In the definition of ''Free Trade Agreement country'', removing the semicolon and adding a period in its place;

■ v. In the definitions of ''Free Trade Agreement country end product'', ''Moroccan end product'', ''Panamanian end product'', and ''Peruvian end product'', redesignating paragraphs (i) and (ii) as paragraphs (1) and (2) respectively;

■ vi. Adding, in alphabetical order, the definition of ''Predominantly of iron or steel or a combination of both'';

■ vii. Revising the definition of ''Qualifying country end product''; and

■ viii. Adding, in alphabetical order, the definition of ''Steel''.

■ c. In Alternate I—
■ i. Removing the clause date of ''(DEC 2017)'' and adding ''(DATE)'' in its place; and
■ ii. In paragraph (a)—
■ A. In the definitions of ''Bahrainian end product'' and ''Canadian end product'', redesignating paragraphs (i) and (ii) as paragraphs (1) and (2), respectively;
■ B. In the definition of ''Commercially available off-the-shelf (COTS) item'', redesignating paragraphs (i) introductory text, (i)(A), (B), and (C), and (ii) as paragraphs (1) introductory text, (1)(i), (ii), and (iii), and (2), respectively;
■ C. Revising the definition of ''Domestic end product'';
■ D. In the definition of ''Free Trade Agreement country'', removing the semicolon and adding a period in its place;
■ E. In the definitions of ''Free Trade Agreement country end product'', ''Moroccan end product'', ''Panamanian end product'', and ''Peruvian end product'', redesignating paragraphs (i) and (ii) as paragraphs (1) and (2), respectively;
■ F. Adding, in alphabetical order, the definition of ''Predominantly of iron or steel or a combination of both'';
■ G. Revising the definition of ''Qualifying country end product''; and
■ H. Adding, in alphabetical order, the definition of ''Steel''.
■ d. In Alternate II—
■ i. Removing the clause date of ''(DEC 2017)'' and adding ''(DATE)'' in its place; and
■ ii. In paragraph (a)—
■ A. In the definition of ''Bahrainian end product'', redesignating paragraphs (i) and (ii) as paragraphs (1) and (2), respectively;
■ B. In the definition of ''Commercially available off-the-shelf (COTS) item'', redesignating paragraphs (i) introductory text, (i)(A), (B), and (C), and (ii) as paragraphs (1) introductory text, (1)(i), (ii), and (iii), and (2), respectively;
■ C. Revising the definitions of ''Domestic end product'';
■ D. In the definition of ''Free Trade Agreement country'', removing the semicolon and adding a period in its place;
■ E. In the definitions of ''Free Trade Agreement country end product'', ''Moroccan end product'', ''Panamanian end product'', and ''Peruvian end product'', redesignating paragraphs (i) and (ii) as paragraphs (1) and (2), respectively;
■ F. Adding, in alphabetical order, the definition of ''Predominantly of iron or steel or a combination of both'';
■ G. Revising the definition of ''Qualifying country end product'';
■ H. In the definition of ''South Caucasus/Central and South Asian (SC/CASA) state end product'', redesignating paragraphs (i) and (ii) as paragraphs (1) and (2), respectively; and
■ I. Adding, in alphabetical order, the definition of ''Steel''.
■ e. In Alternate III—
■ i. Removing the clause date of ''(DEC 2017)'' and adding ''(DATE)'' in its place; and
■ ii. In paragraph (a)—
■ A. In the definitions of ''Bahrainian end product'' and ''Canadian end product'', redesignating paragraphs (i) and (ii) as paragraphs (1) and (2), respectively;
■ B. In the definition of ''Commercially available off-the-shelf (COTS) item'', redesignating paragraphs (i) introductory text, (i)(A), (B), and (C), and (ii) as paragraphs (1) introductory text, (1)(i), (ii), and (iii), and (2), respectively;
■ C. Revising the definition of ''Domestic end product'';
■ D. In the definition of ''Free Trade Agreement country'', removing the semicolon and adding a period in its place;
■ E. In the definitions of ''Free Trade Agreement country end product'', ''Moroccan end product'', ''Panamanian end product'', and ''Peruvian end product'', redesignating paragraphs (i) and (ii) as paragraphs (1) and (2), respectively;
■ F. Adding, in alphabetical order, the definition of ''Predominantly of iron or steel or a combination of both'';
■ G. Revising the definition of ''Qualifying country end product'';
■ H. In the definition of ''South Caucasus/Central and South Asian (SC/CASA) state end product'', redesignating paragraphs (i) and (ii) as paragraphs (1) and (2), respectively; and
■ I. Adding, in alphabetical order, the definition of ''Steel''.
■ f. In Alternate IV—
■ i. Removing the clause date of ''(DEC 2017)'' and adding ''(DATE)'' in its place; and
■ ii. In paragraph (a)—
■ A. In the definition of ''Bahrainian end product'', redesignating paragraphs (i) and (ii) as paragraphs (1) and (2), respectively;
■ B. In the definition of ''Commercially available off-the-shelf (COTS) item'', redesignating paragraphs (i) introductory text, (i)(A), (B), and (C), and (ii) as paragraphs (1) introductory text, (1)(i), (ii), and (iii), and (2), respectively;
■ C. Revising the definition of ''Domestic end product'';
■ D. In the definition of ''Free Trade Agreement country'', removing the semicolon and adding a period in its place;
■ E. In definitions of ''Free Trade Agreement country end product'', ''Korean end product'', ''Moroccan end product'', ''Panamanian end product'', and ''Peruvian end product'', redesignating paragraphs (i) and (ii) as paragraphs (1) and (2), respectively;
■ F. Adding, in alphabetical order, the definition of ''Predominantly of iron or steel or a combination of both'';
■ G. Revising the definition of ''Qualifying country end product''; and
■ H. Adding, in alphabetical order, the definition of ''Steel''.
■ g. In Alternate V—
■ i. Removing the clause date of ''(DEC 2017)'' and adding ''(DATE)'' in its place; and
■ ii. In paragraph (a)—
■ A. In the definition of ''Bahrainian end product'', redesignating paragraphs (i) and (ii) as paragraphs (1) and (2), respectively;
■ B. In the definition of ''Commercially available off-the-shelf (COTS) item'', redesignating paragraphs (i) introductory text, (i)(A), (B), and (C), and (ii) as paragraphs (1) introductory text, (1)(i), (ii), and (iii), and (2), respectively;
■ C. Revising the definition of ''Domestic end product'';
■ D. In the definition of ''Free Trade Agreement country'', removing the semicolon and adding a period in its place;
■ E. In the definitions of ''Free Trade Agreement country end product'', ''Korean end product'', ''Moroccan end product'', ''Panamanian end product'', and ''Peruvian end product'', redesignating paragraphs (i) and (ii) as paragraphs (1) and (2), respectively;
■ F. Adding, in alphabetical order, the definition of ''Predominantly of iron or steel or a combination of both'';
■ G. Revising the definition of ''Qualifying country end product'';
■ H. In the definition of ''South Caucasus/Central and South Asian (SC/CASA) state end product'', redesignating paragraphs (i) and (ii) as paragraphs (1) and (2), respectively; and
■ I. Adding, in alphabetical order, the definition of ''Steel''.

The revisions and additions read as follows:

252.225–7036 Buy American—Free Trade Agreements—Balance of Payments Program.

* * * * *

(a) * * *

Domestic end product means—

(1) For an end product that does not consist wholly or predominantly of iron or steel or a combination of both—

(i) An unmanufactured end product mined or produced in the United States; or

(ii) An end product manufactured in the United States if—

(A) The cost of its qualifying country components and its components that are mined, produced, or manufactured in the United States exceeds 55 percent of the cost of all its components. The cost of components includes transportation costs to the place of incorporation into the end product and U.S. duty (whether or not a duty-free entry certificate is issued). Components of unknown origin are treated as foreign. Scrap generated, collected, and prepared for processing in the United States is considered domestic. A component is considered to have been mined, produced, or manufactured in the United States (regardless of its source in fact) if the end product in which it is incorporated is manufactured in the United States and the component is of a class or kind for which the Government has determined that—

(*1*) Sufficient and reasonably available commercial quantities of a satisfactory quality are not mined, produced, or manufactured in the United States; or

(*2*) It is inconsistent with the public interest to apply the restrictions of the Buy American statute; or

(B) The end product is a COTS item; or

(2) For an end product that consists wholly or predominantly of iron or steel or a combination of both, an end product manufactured in the United States, if the cost of iron and steel not produced in the United States or a qualifying country constitutes less than 5 percent of the cost of all the components used in the end product (produced in the United States or a qualifying country means that all manufacturing processes of the iron or steel must take place in the United States or a qualifying country, except metallurgical processes involving refinement of steel additives). The cost of iron and steel not produced in the United States or a qualifying country includes but is not limited to the cost of iron or steel mill products (such as bar, billet, slab, wire, plate, or sheet), castings, or forgings, not produced in the United States or a qualifying country, utilized in the manufacture of the end product and a good faith estimate of the cost of all iron or steel components not produced in the United States or a qualifying country, excluding COTS fasteners. Iron or steel components of unknown origin are treated as foreign. If the end product contains multiple components, the cost of all the materials used in such end product is calculated in accordance with the explanation of cost of components in paragraph (1)(ii)(A) of this definition.

* * * * *

Predominantly of iron or steel or a combination of both means that the cost of the iron and steel content exceeds 50 percent of the total cost of all its components. The cost of iron and steel is the cost of the iron or steel mill products (such as bar, billet, slab, wire, plate, or sheet), castings, or forgings utilized in the manufacture of the product and a good faith estimate of the cost of iron or steel components excluding COTS fasteners.

* * * * *

Qualifying country end product means—

(1) An unmanufactured end product mined or produced in a qualifying country; or

(2) An end product manufactured in a qualifying country if—

(i) The cost of the following types of components exceeds 50 percent of the cost of all its components:

(A) Components mined, produced, or manufactured in a qualifying country.

(B) Components mined, produced, or manufactured in the United States.

(C) Components of foreign origin of a class or kind for which the Government has determined that sufficient and reasonably available commercial quantities of a satisfactory quality are not mined, produced, or manufactured in the United States. Components of unknown origin are treated as foreign; or

(ii) The end product is a COTS item.

Steel means an alloy that includes at least 50 percent iron, between 0.02 and 2 percent carbon, and may include other elements.

* * * * *

Alternate I. * * *

(a) * * *

Domestic end product means—

(1) For an end product that does not consist wholly or predominantly of iron or steel or a combination of both—

(i) An unmanufactured end product mined or produced in the United States; or

(ii) An end product manufactured in the United States if—

(A) The cost of its qualifying country components and its components that are mined, produced, or manufactured in the United States exceeds 55 percent of the cost of all its components. The cost of components includes transportation costs to the place of incorporation into the end product and U.S. duty (whether or not a duty-free entry certificate is issued). Components of unknown origin are treated as foreign. Scrap generated, collected, and prepared for processing in the United States is considered domestic. A component is considered to have been mined, produced, or manufactured in the United States (regardless of its source in fact) if the end product in which it is incorporated is manufactured in the United States and the component is of a class or kind for which the Government has determined that—

(*1*) Sufficient and reasonably available commercial quantities of a satisfactory quality are not mined, produced, or manufactured in the United States; or

(*2*) It is inconsistent with the public interest to apply the restrictions of the Buy American statute; or

(C) The end product is a COTS item; or

(2) For an end product that consists wholly or predominantly of iron or steel or a combination of both, an end product manufactured in the United States, if the cost of iron and steel not produced in the United States or a qualifying country constitutes less than 5 percent of the cost of all the components used in the end product (produced in the United States or a qualifying country means that all manufacturing processes of the iron or steel must take place in the United States or a qualifying country, except metallurgical processes involving refinement of steel additives). The cost of iron and steel not produced in the United States or a qualifying country includes but is not limited to the cost of iron or steel mill products (such as bar, billet, slab, wire, plate, or sheet), castings, or forgings, not produced in the United States or a qualifying country, utilized in the manufacture of the end product and a good faith estimate of the cost of all iron or steel components not produced in the United States or a qualifying country, excluding COTS fasteners. Iron or steel components of unknown origin are treated as foreign. If the end product contains multiple components, the cost of all the materials used in such end product is calculated in accordance with the explanation of cost of components in paragraph (1)(ii)(A) of this definition.

* * * * *

Predominantly of iron or steel or a combination of both means that the cost of the iron and steel content exceeds 50 percent of the total cost of all its components. The cost of iron and steel

is the cost of the iron or steel mill products (such as bar, billet, slab, wire, plate, or sheet), castings, or forgings utilized in the manufacture of the product and a good faith estimate of the cost of iron or steel components excluding COTS fasteners.

* * * * *

Qualifying country end product means—

(1) An unmanufactured end product mined or produced in a qualifying country; or

(2) An end product manufactured in a qualifying country if—

(i) The cost of the following types of components exceeds 50 percent of the cost of all its components:

(A) Components mined, produced, or manufactured in a qualifying country.

(B) Components mined, produced, or manufactured in the United States.

(C) Components of foreign origin of a class or kind for which the Government has determined that sufficient and reasonably available commercial quantities of a satisfactory quality are not mined, produced, or manufactured in the United States. Components of unknown origin are treated as foreign; or

(ii) The end product is a COTS item.

Steel means an alloy that includes at least 50 percent iron, between 0.02 and 2 percent carbon, and may include other elements.

* * * * *

Alternate II. * * *

(a) * * *

Domestic end product means—

(1) For an end product that does not consist wholly or predominantly of iron or steel or a combination of both—

(i) An unmanufactured end product mined or produced in the United States; or

(ii) An end product manufactured in the United States if—

(A) The cost of its qualifying country components and its components that are mined, produced, or manufactured in the United States exceeds 55 percent of the cost of all its components. The cost of components includes transportation costs to the place of incorporation into the end product and U.S. duty (whether or not a duty-free entry certificate is issued). Components of unknown origin are treated as foreign. Scrap generated, collected, and prepared for processing in the United States is considered domestic. A component is considered to have been mined, produced, or manufactured in the United States (regardless of its source in fact) if the end product in which it is incorporated is manufactured in the United States and the component is of a class or kind for which the Government has determined that—

(*1*) Sufficient and reasonably available commercial quantities of a satisfactory quality are not mined, produced, or manufactured in the United States; or

(*2*) It is inconsistent with the public interest to apply the restrictions of the Buy American statute; or

(B) The end product is a COTS item; or

(2) For an end product that consists wholly or predominantly of iron or steel or a combination of both, an end product manufactured in the United States, if the cost of iron and steel not produced in the United States or a qualifying country constitutes less than 5 percent of the cost of all the components used in the end product (produced in the United States or a qualifying country means that all manufacturing processes of the iron or steel must take place in the United States or a qualifying country, except metallurgical processes involving refinement of steel additives). The cost of iron and steel not produced in the United States or a qualifying country includes but is not limited to the cost of iron or steel mill products (such as bar, billet, slab, wire, plate, or sheet), castings, or forgings, not produced in the United States or a qualifying country, utilized in the manufacture of the end product and a good faith estimate of the cost of all iron or steel components not produced in the United States or a qualifying country, excluding COTS fasteners. Iron or steel components of unknown origin are treated as foreign. If the end product contains multiple components, the cost of all the materials used in such end product is calculated in accordance with the explanation of cost of components in paragraph (1)(ii)(A) of this definition.

* * * * *

Predominantly of iron or steel or a combination of both means that the cost of the iron and steel content exceeds 50 percent of the total cost of all its components. The cost of iron and steel is the cost of the iron or steel mill products (such as bar, billet, slab, wire, plate, or sheet), castings, or forgings utilized in the manufacture of the product and a good faith estimate of the cost of iron or steel components excluding COTS fasteners.

* * * * *

Qualifying country end product means—

(1) An unmanufactured end product mined or produced in a qualifying country; or

(2) An end product manufactured in a qualifying country if—

(i) The cost of the following types of components exceeds 50 percent of the cost of all its components:

(A) Components mined, produced, or manufactured in a qualifying country.

(B) Components mined, produced, or manufactured in the United States.

(C) Components of foreign origin of a class or kind for which the Government has determined that sufficient and reasonably available commercial quantities of a satisfactory quality are not mined, produced, or manufactured in the United States. Components of unknown origin are treated as foreign; or

(ii) The end product is a COTS item.

* * * * *

Steel means an alloy that includes at least 50 percent iron, between 0.02 and 2 percent carbon, and may include other elements.

* * * * *

Alternate III. * * *

(a) * * *

Domestic end product means—

(1) For an end product that does not consist wholly or predominantly of iron or steel or a combination of both—

(i) An unmanufactured end product mined or produced in the United States; or

(ii) An end product manufactured in the United States if—

(A) The cost of its qualifying country components and its components that are mined, produced, or manufactured in the United States exceeds 55 percent of the cost of all its components. The cost of components includes transportation costs to the place of incorporation into the end product and U.S. duty (whether or not a duty-free entry certificate is issued). Components of unknown origin are treated as foreign. Scrap generated, collected, and prepared for processing in the United States is considered domestic. A component is considered to have been mined, produced, or manufactured in the United States (regardless of its source in fact) if the end product in which it is incorporated is manufactured in the United States and the component is of a class or kind for which the Government has determined that—

(*1*) Sufficient and reasonably available commercial quantities of a satisfactory quality are not mined, produced, or manufactured in the United States; or

(*2*) It is inconsistent with the public interest to apply the restrictions of the Buy American statute; or

(C) The end product is a COTS item; or

(2) For an end product that consists wholly or predominantly of iron or steel or a combination of both, an end product manufactured in the United States, if the cost of iron and steel not produced in the United States or a qualifying country constitutes less than 5 percent of the cost of all the components used in the end product (produced in the United States or a qualifying country means that all manufacturing processes of the iron and steel must take place in the United States or a qualifying country, except metallurgical processes involving refinement of steel additives). The cost of iron and steel not produced in the United States or a qualifying country includes but is not limited to the cost of iron or steel mill products (such as bar, billet, slab, wire, plate, or sheet), castings, or forgings, not produced in the United States or a qualifying country, utilized in the manufacture of the end product and a good faith estimate of the cost of all iron or steel components not produced in the United States or a qualifying country, excluding COTS fasteners. Iron or steel components of unknown origin are treated as foreign. If the end product contains multiple components, the cost of all the materials used in such end product is calculated in accordance with the explanation of cost of components in paragraph (1)(ii)(A) of this definition.

* * * * *

Predominantly of iron or steel or a combination of both means that the cost of the iron and steel content exceeds 50 percent of the total cost of all its components. The cost of iron and steel is the cost of the iron or steel mill products (such as bar, billet, slab, wire, plate, or sheet), castings, or forgings utilized in the manufacture of the product and a good faith estimate of the cost of iron or steel components excluding COTS fasteners.

* * * * *

Qualifying country end product means—

(1) An unmanufactured end product mined or produced in a qualifying country; or

(2) An end product manufactured in a qualifying country if—

(i) The cost of the following types of components exceeds 50 percent of the cost of all its components:

(A) Components mined, produced, or manufactured in a qualifying country.

(B) Components mined, produced, or manufactured in the United States.

(C) Components of foreign origin of a class or kind for which the Government has determined that sufficient and reasonably available commercial quantities of a satisfactory quality are not mined, produced, or manufactured in the United States. Components of unknown origin are treated as foreign; or

(ii) The end product is a COTS item.

* * * * *

Steel means an alloy that includes at least 50 percent iron, between 0.02 and 2 percent carbon, and may include other elements.

* * * * *

Alternate IV. * * *

(a) * * *

Domestic end product means—

(1) For an end product that does not consist wholly or predominantly of iron or steel or a combination of both—

(i) An unmanufactured end product mined or produced in the United States; or

(ii) An end product manufactured in the United States if—

(A) The cost of its qualifying country components and its components that are mined, produced, or manufactured in the United States exceeds 55 percent of the cost of all its components. The cost of components includes transportation costs to the place of incorporation into the end product and U.S. duty (whether or not a duty-free entry certificate is issued). Components of unknown origin are treated as foreign. Scrap generated, collected, and prepared for processing in the United States is considered domestic. A component is considered to have been mined, produced, or manufactured in the United States (regardless of its source in fact) if the end product in which it is incorporated is manufactured in the United States and the component is of a class or kind for which the Government has determined that—

(*1*) Sufficient and reasonably available commercial quantities of a satisfactory quality are not mined, produced, or manufactured in the United States; or

(*2*) It is inconsistent with the public interest to apply the restrictions of the Buy American statute; or

(B) The end product is a COTS item; or

(2) For an end product that consists wholly or predominantly of iron or steel or a combination of both, an end product manufactured in the United States, if the cost of iron and steel not produced in the United States or a qualifying country constitutes less than 5 percent of the cost of all the components used in the end product (produced in the United States or a qualifying country means that all manufacturing processes of the iron or steel must take place in the United States or a qualifying country, except metallurgical processes involving refinement of steel additives). The cost of iron and steel not produced in the United States or a qualifying country includes but is not limited to the cost of iron or steel mill products (such as bar, billet, slab, wire, plate, or sheet), castings, or forgings, not produced in the United States or a qualifying country, utilized in the manufacture of the end product and a good faith estimate of the cost of all iron or steel components not produced in the United States or a qualifying country, excluding COTS fasteners. Iron or steel components of unknown origin are treated as foreign. If the end product contains multiple components, the cost of all the materials used in such end product is calculated in accordance with the explanation of cost of components in paragraph (1)(ii)(A) of this definition.

* * * * *

Predominantly of iron or steel or a combination of both means that the cost of the iron and steel content exceeds 50 percent of the total cost of all its components. The cost of iron and steel is the cost of the iron or steel mill products (such as bar, billet, slab, wire, plate, or sheet), castings, or forgings utilized in the manufacture of the product and a good faith estimate of the cost of iron or steel components excluding COTS fasteners.

* * * * *

Qualifying country end product means—

(1) An unmanufactured end product mined or produced in a qualifying country; or

(2) An end product manufactured in a qualifying country if—

(i) The cost of the following types of components exceeds 50 percent of the cost of all its components:

(A) Components mined, produced, or manufactured in a qualifying country.

(B) Components mined, produced, or manufactured in the United States.

(C) Components of foreign origin of a class or kind for which the Government has determined that sufficient and reasonably available commercial quantities of a satisfactory quality are not mined, produced, or manufactured in the United States. Components of unknown origin are treated as foreign; or

(ii) The end product is a COTS item.

Steel means an alloy that includes at least 50 percent iron, between 0.02 and 2 percent carbon, and may include other elements.

* * * * *

Alternate V. * * *

(a) * * *

Domestic end product means—

(1) For an end product that does not consist wholly or predominantly of iron or steel or a combination of both—

(i) An unmanufactured end product mined or produced in the United States; or

(ii) An end product manufactured in the United States if—

(A) The cost of its qualifying country components and its components that are mined, produced, or manufactured in the United States exceeds 55 percent of the cost of all its components. The cost of components includes transportation costs to the place of incorporation into the end product and U.S. duty (whether or not a duty-free entry certificate is issued). Components of unknown origin are treated as foreign. Scrap generated, collected, and prepared for processing in the United States is considered domestic. A component is considered to have been mined, produced, or manufactured in the United States (regardless of its source in fact) if the end product in which it is incorporated is manufactured in the United States and the component is of a class or kind for which the Government has determined that—

(*1*) Sufficient and reasonably available commercial quantities of a satisfactory quality are not mined, produced, or manufactured in the United States; or

(*2*) It is inconsistent with the public interest to apply the restrictions of the Buy American statute; or

(B) The end product is a COTS item; or

(2) For an end product that consists wholly or predominantly of iron or steel or a combination of both, an end product manufactured in the United States, if the cost of iron and steel not produced in the United States or a qualifying country constitutes less than 5 percent of the cost of all the components used in the end product (produced in the United States or a qualifying country means that all manufacturing processes of the iron or steel must take place in the United States or a qualifying country, except metallurgical processes involving refinement of steel additives). The cost of iron and steel not produced in the United States or a qualifying country includes but is not limited to the cost of iron or steel mill products (such as bar, billet, slab, wire, plate, or sheet), castings, or forgings, not produced in the United States or a qualifying country, utilized in the manufacture of the end product and a good faith estimate of the cost of all iron or steel components not produced in the United States or a qualifying country, excluding COTS fasteners. Iron or steel components of unknown origin are treated as foreign. If the end product contains multiple components, the cost of all the materials used in such end product is calculated in accordance with the explanation of cost of components in paragraph (1)(ii)(A) of this definition.

* * * * *

Predominantly of iron or steel or a combination of both means that the cost of the iron and steel content exceeds 50 percent of the total cost of all its components. The cost of iron and steel is the cost of the iron or steel mill products (such as bar, billet, slab, wire, plate, or sheet), castings, or forgings utilized in the manufacture of the product and a good faith estimate of the cost of iron or steel components excluding COTS fasteners.

* * * * *

Qualifying country end product means—

(1) An unmanufactured end product mined or produced in a qualifying country; or

(2) An end product manufactured in a qualifying country if—

(i) The cost of the following types of components exceeds 50 percent of the cost of all its components:

(A) Components mined, produced, or manufactured in a qualifying country.

(B) Components mined, produced, or manufactured in the United States.

(C) Components of foreign origin of a class or kind for which the Government has determined that sufficient and reasonably available commercial quantities of a satisfactory quality are not mined, produced, or manufactured in the United States. Components of unknown origin are treated as foreign; or

(ii) The end product is a COTS item.

* * * * *

Steel means an alloy that includes at least 50 percent iron, between 0.02 and 2 percent carbon, and may include other elements.

* * * * *

■ 8. Amend section 252.225–7044 by—

■ a. Removing the clause date of ''(NOV 2014)'' and adding ''(DATE)'' in its place.

■ b. In paragraph (a)—

■ i. In the definition of ''Commercially available off-the-shelf (COTS) item'', redesignating paragraphs (i) introductory text, (i)(A), (B), and (C), and (ii) as paragraphs (1) introductory text, (1)(i), (ii), and (iii), and (2), respectively;

■ ii. In the definition of ''Cost of components'', redesignating paragraphs (i) and (ii) as paragraphs (1) and (2), respectively;

■ iii. Revising the definition of ''Domestic construction material''; and

■ iv. Adding, in alphabetical order, the definitions of ''Predominantly of iron or steel or a combination of both'' and ''Steel''.

■ c. In Alternate I—

■ i. Removing the clause date of ''(NOV 2014)'' and adding ''(DATE)'' in its place; and

■ ii. In paragraph (a)—

■ A. In the definition of ''Commercially available off-the-shelf (COTS) item'', redesignating paragraphs (i) introductory text, (i)(A), (B), and (C), and (ii) as paragraphs (1) introductory text, (1)(i), (ii), and (iii), and (2), respectively;

■ B. In the definition of ''Cost of components'', redesignating paragraphs (i) and (ii) as paragraphs (1) and (2), respectively;

■ C. Revising the definition of ''Domestic construction material'';

■ D. Adding, in alphabetical order, the definition of ''Predominantly of iron or steel or a combination of both'';

■ E. In the definition of ''SC/CASA state construction material'', redesignating paragraphs (i) and (ii) as paragraphs (1) and (2), respectively; and

■ F. Adding, in alphabetical order, the definition of ''Steel''.

The revisions and additions read as follows:

§ 252.225–7044 Balance of Payments Program—Construction Material.

* * * * *

(a) * * *

Domestic construction material means—

(1) For construction material that does not consist wholly or predominantly of iron or steel or a combination of both—

(i) An unmanufactured construction material mined or produced in the United States; or

(ii) A construction material manufactured in the United States, if—

(A) The cost of its components mined, produced, or manufactured in the United States exceeds 55 percent of the cost of all its components. Components of foreign origin of the same class or kind for which nonavailability determinations have been made are treated as domestic. Components of unknown origin are treated as foreign; or

(B) The construction material is a COTS item; or

(2) For construction material that consists wholly or predominantly of iron or steel or a combination of both,

a construction material manufactured in the United States if the cost of iron and steel not produced in the United States (excluding fasteners) as estimated in good faith by the contractor, constitutes less than 5 percent of the cost of all the components used in such construction material (produced in the United States means that all manufacturing processes of the iron or steel must take place in the United States, except metallurgical processes involving refinement of steel additives). The cost of iron and steel not produced in the United States includes but is not limited to the cost of iron or steel mill products (such as bar, billet, slab, wire, plate, or sheet), castings, or forgings, not produced in the United States, utilized in the manufacture of the end product and a good faith estimate of the cost of all iron or steel components not produced in the United States, excluding COTS fasteners. Iron or steel components of unknown origin are treated as foreign. If the construction material contains multiple components, the cost of all the materials used in such construction material is calculated in accordance with the explanation of cost of components in paragraph (1)(ii)(A) of this definition.

Predominantly of iron or steel or a combination of both means that the cost of the iron and steel content exceeds 50 percent of the total cost of all its components. The cost of iron and steel is the cost of the iron or steel mill products (such as bar, billet, slab, wire, plate, or sheet), castings, or forgings utilized in the manufacture of the product and a good faith estimate of the cost of iron or steel components excluding COTS fasteners.

Steel means an alloy that includes at least 50 percent iron, between 0.02 and 2 percent carbon, and may include other elements.

* * * * *

Alternate I. * * *

(a) * * *

Domestic construction material means—

(1) For construction material that does not consist wholly or predominantly of iron or steel or a combination of both—

(i) An unmanufactured construction material mined or produced in the United States; or

(ii) A construction material manufactured in the United States, if—

(A) The cost of its components mined, produced, or manufactured in the United States exceeds 55 percent of the cost of all its components. Components of foreign origin of the same class or kind for which nonavailability determinations have been made are treated as domestic. Components of unknown origin are treated as foreign; or

(B) The construction material is a COTS item; or

(2) For construction material that consists wholly or predominantly of iron or steel or a combination of both, a construction material manufactured in the United States if the cost of iron or steel not produced in the United States (excluding fasteners) as estimated in good faith by the contractor, constitutes less than 5 percent of the cost of all the components used in such construction material (produced in the United States means that all manufacturing processes of the iron or steel must take place in the United States, except metallurgical processes involving refinement of steel additives). The cost of iron and steel not produced in the United States includes but is not limited to the cost of iron or steel mill products (such as bar, billet, slab, wire, plate, or sheet), castings, or forgings, not produced in the United States, utilized in the manufacture of the construction material and a good faith estimate of the cost of all iron or steel components not produced in the United States, excluding COTS fasteners. Iron or steel components of unknown origin are treated as foreign. If the construction material contains multiple components, the cost of all the materials used in such construction material is calculated in accordance with the explanation of cost of components in paragraph (1)(ii)(A) of this definition.

Predominantly of iron or steel or a combination of both means that the cost of the iron and steel content exceeds 50 percent of the total cost of all its components. The cost of iron and steel is the cost of the iron or steel mill products (such as bar, billet, slab, wire, plate, or sheet), castings, or forgings utilized in the manufacture of the product and a good faith estimate of the cost of iron or steel components excluding COTS fasteners.

* * * * *

Steel means an alloy that includes at least 50 percent iron, between 0.02 and 2 percent carbon, and may include other elements.

* * * * *

■ 9. Amend section 252.225–7045 by—

■ a. Removing the clause date of ''(AUG 2019)'' and adding ''(DATE)'' in its place.

■ b. In paragraph (a)—

■ i. In the definition of ''Caribbean Basin country construction material'', redesignating paragraphs (i) and (ii) as paragraphs (1) and (2), respectively;

■ ii. In the definition of ''Commercially available off-the-shelf (COTS) item'', redesignating paragraphs (i) introductory text, (i)(A), (B), and (C), and (ii) as paragraphs (1) introductory text, (1)(i), (ii), and (iii), and (2), respectively;

■ iii. In the definition of ''Cost of components'', redesignating paragraphs (i) and (ii) as paragraphs (1) and (2), respectively;

■ iv. In the definition of ''Designated country'', redesignating paragraphs (i), (ii), (iii), and (iv) as paragraphs (1), (2), (3), and (4), respectively;

■ v. Revising the definition of ''Domestic construction material'';

■ vi. In the definitions of ''Free Trade Agreement country construction material'' and ''Least developed country construction material'', redesignating paragraphs (i) and (ii) as paragraphs (1) and (2), respectively;

■ vii. Adding, in alphabetical order, the definitions of ''Predominantly of iron or steel or a combination of both'' and ''Steel''; and

■ viii. In the definition of ''WTO GPA country construction material'', redesignating paragraphs (i) and (ii) as paragraphs (1) and (2), respectively.

■ c. In Alternate I—

■ i. Removing the clause date of ''(AUG 2019)'' and adding ''(DATE)'' in its place; and

■ ii. In paragraph (a)—

■ A. In the definitions of ''Bahrainian or Mexican construction material'' and ''Caribbean Basin country construction material'', redesignating paragraphs (i) and (ii) as paragraphs (1) and (2), respectively;

■ B. In the definition of ''Commercially available off-the-shelf (COTS) item'', redesignating paragraphs (i) introductory text, (i)(A), (B), and (C), and (ii) as paragraphs (1) introductory text, (1)(i), (ii), and (iii), and (2), respectively;

■ C. In the definition of ''Cost of components'', redesignating paragraphs (i) and (ii) as paragraphs (1) and (2), respectively;

■ D. In the definition of ''Designated country'', redesignating paragraphs (i), (ii), (iii), and (iv) as paragraphs (1), (2), (3), and (4), respectively;

■ E. Revising the definition of ''Domestic construction material'';

■ F. In the definition of ''Free Trade Agreement country construction material'' and ''Least developed country construction material'', redesignating paragraphs (i) and (ii) as paragraphs (1) and (2), respectively;

■ G. Adding, in alphabetical order, the definitions of ''Predominantly of iron or steel or a combination of both'' and ''Steel''; and

■ H. In the definition of ''WTO GPA country construction material'',

redesignating paragraphs (i) and (ii) as paragraphs (1) and (2), respectively.
■ d. In Alternate II—
■ i. Removing the clause date of ''(AUG 2019)'' and adding ''(DATE)'' in its place; and
■ ii. In paragraph (a)—
■ A. In the definition of ''Caribbean Basin country construction material'', redesignating paragraphs (i) and (ii) as paragraphs (1) and (2), respectively;
■ B. In the definition of ''Commercially available off-the-shelf (COTS) item'', redesignating paragraphs (i) introductory text, (i)(A), (B), and (C), and (ii) as paragraphs (1) introductory text, (1)(i), (ii), and (iii), and (2), respectively;
■ C. In the definition of ''Cost of components'', redesignating paragraphs (i) and (ii) as paragraphs (1) and (2), respectively;
■ D. In the definition of ''Designated country'', redesignating paragraphs (i), (ii), (iii), and (iv) as paragraphs (1), (2), (3), and (4), respectively;
■ E. Revising the definition of ''Domestic construction material'';
■ F. In the definitions of ''Free Trade Agreement country construction material'' and ''Least developed country construction material'', redesignating paragraphs (i) and (ii) as paragraphs (1) and (2), respectively;
■ G. Adding, in alphabetical order, the definition of ''Predominantly of iron or steel or a combination of both'';
■ H. In the definition of ''SC/CASA state construction material'', redesignating paragraphs (i) and (ii) as paragraphs (1) and (2), respectively;
■ I. Adding, in alphabetical order, the definition of ''Steel''; and
■ J. In the definition of ''WTO GPA country construction material'', redesignating paragraphs (i) and (ii) as paragraphs (1) and (2), respectively.
■ e. In Alternate III—
■ i. Removing the clause date of ''(AUG 2019)'' and adding ''(DATE)'' in its place; and
■ ii. In paragraph (a)—
■ A. In the definition of ''Caribbean Basin country construction material'', redesignating paragraphs (i) and (ii) as paragraphs (1) and (2), respectively;
■ B. In the definition of ''Commercially available off-the-shelf (COTS) item'', redesignating paragraphs (i) introductory text, (i)(A), (B), and (C), and (ii) as paragraphs (1) introductory text, (1)(i), (ii), and (iii), and (2), respectively;
■ C. In the definition of ''Cost of components'', redesignating paragraphs (i) and (ii) as paragraphs (1) and (2), respectively;
■ D. In the definition of ''Designated country'', redesignating paragraphs (i), (ii), (iii), and (iv) as paragraphs (1), (2), (3), and (4), respectively;
■ E. Revising the definition of ''Domestic construction material'';
■ F. In the definitions of ''Free Trade Agreement country construction material'' and ''Least developed country construction material'', redesignating paragraphs (i) and (ii) as paragraphs (1) and (2), respectively;
■ G. Adding, in alphabetical order, the definition of ''Predominantly of iron or steel or a combination of both'';
■ H. In the definition of ''SC/CASA state construction material'', redesignating paragraphs (i) and (ii) as paragraphs (1) and (2), respectively;
■ I. Adding, in alphabetical order, the definition of ''Steel''; and
■ J. In the definition of ''WTO GPA country construction material'', redesignating paragraphs (i) and (ii) as paragraphs (1) and (2), respectively.

The revisions and additions read as follows:

§ 252.225–7045 Balance of Payments Program—Construction Material Under Trade Agreements.

* * * * *

(a) * * *

Domestic construction material means—

(1) For construction material that does not consist wholly or predominantly of iron or steel or a combination of both—

(i) An unmanufactured construction material mined or produced in the United States; or

(ii) A construction material manufactured in the United States, if—

(A) The cost of its components mined, produced, or manufactured in the United States exceeds 55 percent of the cost of all its components. Components of foreign origin of the same class or kind for which nonavailability determinations have been made are treated as domestic. Components of unknown origin are treated as foreign; or

(B) The construction material is a COTS item; or

(2) For construction material that consists wholly or predominantly of iron or steel or a combination of both, a construction material manufactured in the United States if the cost of iron and steel not produced in the United States (excluding fasteners) as estimated in good faith by the contractor, constitutes less than 5 percent of the cost of all the components used in such construction material (produced in the United States means that all manufacturing processes of the iron or steel must take place in the United States, except metallurgical processes involving refinement of steel additives). The cost of iron and steel not produced in the United States includes but is not limited to the cost of iron or steel mill products (such as bar, billet, slab, wire, plate, or sheet), castings, or forgings, not produced in the United States, utilized in the manufacture of the construction material and a good faith estimate of the cost of all iron or steel components not produced in the United States, excluding COTS fasteners. Iron or steel components of unknown origin are treated as foreign. If the construction material contains multiple components, the cost of all the materials used in such construction material is calculated in accordance with the explanation of cost of components in paragraph (1)(ii)(A) of this definition.

* * * * *

Predominantly of iron or steel or a combination of both means that the cost of the iron and steel content exceeds 50 percent of the total cost of all its components. The cost of iron and steel is the cost of the iron or steel mill products (such as bar, billet, slab, wire, plate, or sheet), castings, or forgings utilized in the manufacture of the product and a good faith estimate of the cost of iron or steel components excluding COTS fasteners.

Steel means an alloy that includes at least 50 percent iron, between 0.02 and 2 percent carbon, and may include other elements.

* * * * *

Alternate I. * * *

(a) * * *

Domestic construction material means—

(1) For construction material that does not consist wholly or predominantly of iron or steel or a combination of both—

(i) An unmanufactured construction material mined or produced in the United States; or

(ii) A construction material manufactured in the United States, if—

(A) The cost of its components mined, produced, or manufactured in the United States exceeds 55 percent of the cost of all its components. Components of foreign origin of the same class or kind for which nonavailability determinations have been made are treated as domestic. Components of unknown origin are treated as foreign; or

(B) The construction material is a COTS item; or

(2) For construction material that consists wholly or predominantly of iron or steel or a combination of both, a construction material manufactured in the United States if the cost of iron and

steel not produced in the United States (excluding fasteners) as estimated in good faith by the contractor, constitutes less than 5 percent of the cost of all the components used in such construction material (produced in the United States means that all manufacturing processes of the iron or steel must take place in the United States, except metallurgical processes involving refinement of steel additives). The cost of iron and steel not produced in the United States includes but is not limited to the cost of iron or steel mill products (such as bar, billet, slab, wire, plate, or sheet), castings, or forgings, not produced in the United States, utilized in the manufacture of the construction material and a good faith estimate of the cost of all iron or steel components not produced in the United States, excluding COTS fasteners. Iron or steel components of unknown origin are treated as foreign. If the construction material contains multiple components, the cost of all the materials used in such construction material is calculated in accordance with the explanation of cost of components in paragraph (1)(ii)(A) of this definition.

* * * * *

Predominantly of iron or steel or a combination of both means that the cost of the iron and steel content exceeds 50 percent of the total cost of all its components. The cost of iron and steel is the cost of the iron or steel mill products (such as bar, billet, slab, wire, plate, or sheet), castings, or forgings utilized in the manufacture of the product and a good faith estimate of the cost of iron or steel components excluding COTS fasteners.

Steel means an alloy that includes at least 50 percent iron, between 0.02 and 2 percent carbon, and may include other elements.

* * * * *

Alternate II. * * *

(a) * * *

Domestic construction material means—

(1) For construction material that does not consist wholly or predominantly of iron or steel or a combination of both—

(i) An unmanufactured construction material mined or produced in the United States; or

(ii) A construction material manufactured in the United States, if—

(A) The cost of its components mined, produced, or manufactured in the United States exceeds 55 percent of the cost of all its components. Components of foreign origin of the same class or kind for which nonavailability determinations have been made are treated as domestic. Components of unknown origin are treated as foreign; or

(B) The construction material is a COTS item; or

(2) For construction material that consists wholly or predominantly of iron or steel or a combination of both, a construction material manufactured in the United States if the cost of iron and steel not produced in the United States (excluding fasteners) as estimated in good faith by the contractor, constitutes less than 5 percent of the cost of all the components used in such construction material (produced in the United States means that all manufacturing processes of the iron or steel must take place in the United States, except metallurgical processes involving refinement of steel additives). The cost of iron and steel not produced in the United States includes but is not limited to the cost of iron or steel mill products (such as bar, billet, slab, wire, plate, or sheet), castings, or forgings, not produced in the United States, utilized in the manufacture of the construction material and a good faith estimate of the cost of all iron or steel components not produced in the United States, excluding COTS fasteners. Iron or steel components of unknown origin are treated as foreign. If the construction material contains multiple components, the cost of all the materials used in such construction material is calculated in accordance with the explanation of cost of components in paragraph (1)(ii)(A) of this definition.

* * * * *

Predominantly of iron or steel or a combination of both means that the cost of the iron and steel content exceeds 50 percent of the total cost of all its components. The cost of iron and steel is the cost of the iron or steel mill products (such as bar, billet, slab, wire, plate, or sheet), castings, or forgings utilized in the manufacture of the product and a good faith estimate of the cost of iron or steel components excluding COTS fasteners.

* * * * *

Steel means an alloy that includes at least 50 percent iron, between 0.02 and 2 percent carbon, and may include other elements.

* * * * *

Alternate III. * * *

(a) * * *

Domestic construction material means—

(1) For construction material that does not consist wholly or predominantly of iron or steel or a combination of both—

(i) An unmanufactured construction material mined or produced in the United States; or

(ii) A construction material manufactured in the United States, if—

(A) The cost of its components mined, produced, or manufactured in the United States exceeds 55 percent of the cost of all its components. Components of foreign origin of the same class or kind for which nonavailability determinations have been made are treated as domestic. Components of unknown origin are treated as foreign; or

(B) The construction material is a COTS item; or

(2) For construction material that consists wholly or predominantly of iron or steel or a combination of both, a construction material manufactured in the United States if the cost of iron and steel not produced in the United States (excluding fasteners) as estimated in good faith by the contractor, constitutes less than 5 percent of the cost of all the components used in such construction material (produced in the United States means that all manufacturing processes of the iron or steel must take place in the United States, except metallurgical processes involving refinement of steel additives). The cost of iron and steel not produced in the United States includes but is not limited to the cost of iron or steel mill products (such as bar, billet, slab, wire, plate, or sheet), castings, or forgings, not produced in the United States, utilized in the manufacture of the construction material and a good faith estimate of the cost of iron or steel components not produced in the United States, excluding COTS fasteners. Iron or steel components of unknown origin are treated as foreign. If the construction material contains multiple components, the cost of all the materials used in such construction material is calculated in accordance with the explanation of cost of components in paragraph (1)(ii)(A) of this definition.

* * * * *

Predominantly of iron or steel or a combination of both means that the cost of the iron and steel content exceeds 50 percent of the total cost of all its components. The cost of iron and steel is the cost of the iron or steel mill products (such as bar, billet, slab, wire, plate, or sheet), castings, or forgings utilized in the manufacture of the product and a good faith estimate of the cost of iron or steel components excluding COTS fasteners.

* * * * *

Steel means an alloy that includes at least 50 percent iron, between 0.02 and

2 percent carbon, and may include other elements.

* * * * *

[FR Doc. 2021–18338 Filed 8–27–21; 8:45 am]

BILLING CODE 5001–06–P

Notices

Federal Register
Vol. 86, No. 165
Monday, August 30, 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

Agricultural Marketing Service

[Doc. No. AMS–DA–21–0071]

Notice of Request for Extension and Revision of a Currently Approved Information Collection

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), this notice announces the Agricultural Marketing Service's (AMS) intention to request approval from the Office of Management and Budget for an extension of and revision to the currently approved information collection, ''Requirements Under Regulations Governing Inspection and Grading Services of Manufactured or Processed Dairy Products.''

DATES: Comments on this notice must be received by October 29, 2021 to be assured of consideration.

ADDRESSES: Interested persons are invited to submit comments concerning this notice by using the electronic process available at *www.regulations gov*. All comments received will be posted without change, including any personal information provided, at *www.regulations.gov* and will be included in the record and made available to the public.

FOR FURTHER INFORMATION CONTACT: Michael Eichorst, USDA AMS Dairy Program, 650 East Diehl Rd., Suite 100, Naperville, IL 60563; Tel: (630) 437–5045; Fax: (630) 437–5060.

SUPPLEMENTARY INFORMATION:

Title: Requirements Under Regulations Governing Inspection and Grading Services of Manufactured or Processed Dairy Products.

OMB Number: 0581–0126.

Expiration Date of Approval: November 30, 2021.

Type of Request: Extension and revision of a currently approved information collection.

Abstract: The Agricultural Marketing Act (AMA) of 1946 (7 U.S.C. 1621 *et seq*.) directs the United Stated Department of Agriculture (USDA) to develop programs that provide for and facilitate the marketing of agricultural products. One of these programs is the USDA voluntary inspection and grading program for dairy products with regulations contained in 7 CFR part 58. Regulations governing the certification of sanitary design and fabrication of equipment used in the slaughter, processing, and packaging of livestock and poultry products are contained in 7 CFR part 54. To ensure a voluntary inspection program performs satisfactorily, there must be written requirements and rules for both Government and industry. The information requested is used to identify products offered for grading; to identify a request from a manufacturer of equipment used in dairy, meat, or poultry industries for evaluation regarding sanitary design and construction; to identify and contact the party responsible for payment of the inspection, grading or equipment evaluation fee and expense; and to identify applicants who wish to be authorized for the display of official identification on product packaging, materials, equipment, utensils, or on descriptive promotional materials.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 0.170 hours per response.

Respondents: Dairy product manufacturers, consultants, installers, dairy equipment fabricators, and meat and poultry processing equipment fabricators.

Estimated Number of Respondents: 307.

Estimated Total Annual Responses: 11,389.

Estimated Number of Responses per Respondent: 37.22.

Estimated Total Annual Burden on Respondents: 1,027 hours.

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.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will become a matter of public record.

Erin Morris,

Associate Administrator, Agricultural Marketing Service.

[FR Doc. 2021–18605 Filed 8–27–21; 8:45 am]

BILLING CODE P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

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 (1) 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; (2) the accuracy of the agency's estimate of burden 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 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 29, 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.

Office of the Assistant Secretary for Civil Rights

Title: 7 CFR part 15 subpart D—Data Collection Requirements.

OMB Control Number: 0503–0022.

Summary of Collection: Under 7 CFR 15d.4(5) The Office of Assistant Secretary for Civil Rights (OASCR) shall require agencies to collect the race, ethnicity, and gender (REG) of applicants and program participants, who choose to provide such information on a voluntary basis. Currently, Section 14006 of the 2008 Farm Bill requires the Secretary of Agriculture to annually compile for each county and state in the United States program application and participation rate of socially-disadvantaged farmers or ranchers for each program of USDA that serves agricultural producers or landowners.

Need and Use of the Information: The requested information will help USDA better determine if programs and services are reaching the needs of the public, beneficiaries, recipients, partners, and other stakeholders and supports USDA's planning, outreach, and compliance efforts. The uniform collection of REG data allows USDA to administer programs from a proactive rather than a reactive position and enables the Department to assess the accomplishments of program delivery mandates and objectives. Moreover, when allegations of disparate treatment or service arise, it provides USDA the ability to determine the validity of alleged discrimination complaints and resolve conflicts and issues in an expeditious manner. Failure to collect this information will have a negative impact on USDA's outreach and compliance activities.

Description of Respondents: Producers, applicants, and USDA customers.

Number of Respondents: 1,200.

Frequency of Responses: Reporting: Other (once).

Total Burden Hours: 40.

Dated: August 25, 2021.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2021–18583 Filed 8–27–21; 8:45 am]

BILLING CODE 3410–9R–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2021–0043]

Notice of Request for Extension of Approval of an Information Collection; Special Need Requests Under the Plant Protection Act

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Extension of approval of an information collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the intention of the Animal and Plant Health Inspection Service (APHIS) to request an extension of approval of an information collection associated with the regulations to allow States to impose prohibitions or restrictions on specific articles in addition to those required by APHIS to help protect against the introduction and establishment of plant pests.

DATES: We will consider all comments that we receive on or before October 29, 2021.

ADDRESSES: You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to *www.regulations.gov.* Enter APHIS–2021–0043 in the Search field. Select the Documents tab, then select the Comment button in the list of documents.
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2021–0043, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at regulations.gov or in our reading room, which is located in Room 1620 of the USDA South Building, 14th Street and Independence Avenue SW, Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: For information on special need requests under the Plant Protection Act, contact Dr. Clarissa Maroon-Lango, Director, Biocontrol, and Forest, Wood and Rangeland Pests (BFWRP) and Emergency Domestic Programs (EDP), PPQ, APHIS, 4700 River Road Unit 52, Riverdale, MD 20737; (301) 851–2328. For more detailed information on the information collection reporting process, contact Mr. Joseph Moxey, APHIS' Paperwork Reduction Act Coordinator, at (301) 851–2483; *joseph.moxey@usda.gov.*

SUPPLEMENTARY INFORMATION:

Title: Special Need Requests Under the Plant Protection Act.

OMB Control Number: 0579–0291.

Type of request: Extension of approval of an information collection.

Abstract: The Plant Protection Act (PPA, 7 U.S.C. 7701 *et seq.*) authorizes the Secretary of Agriculture to restrict the importation, entry, or interstate movement of plants, plant products, and other articles to prevent the introduction of plant pests into the United States or their dissemination within the United States. This authority has been delegated to the Animal and Plant Health Inspection Service (APHIS) of the U.S. Department of Agriculture, which administers regulations to implement the PPA. Regulations governing the interstate movement of plants, plant products, and other articles are contained in 7 CFR part 301, ''Domestic Quarantine Notices.'' The regulations in ''Subpart A—Preemption and Special Need Requests'' allow States or political subdivisions of States to request approval from APHIS to impose prohibitions or restrictions on the movement in interstate commerce of specific articles that pose a plant health risk that are in addition to the prohibitions and restrictions imposed by APHIS. This process requires information collection activities, including a pest data detection survey with a pest risk analysis showing that a pest is not present in a State, or if already present, the current distribution in the State, and that the pest would harm or injure the environment and/or agricultural resources of the State or political subdivision.

We are asking the Office of Management and Budget (OMB) to approve our use of these information collection activities for an additional 3 years.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning our information collection. These comments will help us:

(1) Evaluate 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;

(2) Evaluate the accuracy of our estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

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

(4) Minimize the burden of the collection of information on those who are to respond, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies; *e.g.,* permitting electronic submission of responses.

Estimate of burden: The public burden for this collection of information is estimated to average 160 hours per response.

Respondents: State governments.

Estimated annual number of respondents: 1.

Estimated annual number of responses per respondent: 1.

Estimated annual number of responses: 1.

Estimated total annual burden on respondents: 160 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Done in Washington, DC, this 24th day of August 2021.

Mark Davidson,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2021–18599 Filed 8–27–21; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2021–0044]

Notice of Request for Revision to and Extension of Approval of an Information Collection; Foreign Quarantine Notices

AGENCY: Animal and Plant Health Inspection Service, USDA.

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 the Animal and Plant Health Inspection Service's intention to request a revision to and extension of approval of an information collection associated with the regulations to prevent the introduction or spread of foreign plant pests and diseases into or within the United States.

DATES: We will consider all comments that we receive on or before October 29, 2021.

ADDRESSES: You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to *www.regulations.gov.* Enter APHIS–2021–0044 in the Search field. Select the Documents tab, then select the Comment button in the list of documents.
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2021–0044, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at *www.regulations.gov* or in our reading room, which is located in Room 1620 of the USDA South Building, 14th Street and Independence Avenue SW, Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: For information on foreign quarantine notices, contact Mr. Marc Phillips, Senior Regulatory Policy Specialist, PPQ, APHIS, 4700 River Road Unit 133, Riverdale, MD 20737; (301) 851–2114. For more detailed information on the information collection reporting process, contact Mr. Joseph Moxey, APHIS' Paperwork Reduction Act Coordinator, at (301) 851–2483; *joseph.moxey@usda.gov.*

SUPPLEMENTARY INFORMATION:

Title: Foreign Quarantine Notices.

OMB Control Number: 0579–0049.

Type of request: Revision to and extension of approval of an information collection.

Abstract: The Plant Protection Act (PPA, 7 U.S.C. 7701 *et seq.*) authorizes the Secretary of Agriculture to restrict the importation, entry, or interstate movement of plants, plant products, and other articles to prevent the introduction of plant pests and diseases into the United States or their dissemination within the United States. This authority has been delegated to the Animal and Plant Health Inspection Service (APHIS), which administers regulations to implement the PPA. Regulations governing the importation of plants, fruits, vegetables, roots, bulbs, seeds, unmanufactured wood articles, and other plant products are contained in 7 CFR part 319, ''Foreign Quarantine Notices.'' Regulations governing the transit of certain products or articles that are classified as prohibited or restricted products or articles are contained in 7 CFR part 352, ''Plant Quarantine Safeguard Regulations.''

The movement of plants and plant products requires various information collection activities, such as operational workplans; audits; pest risk assessments; cooperative service agreements; trust funds; production or processing site/facility registrations; foreign site certification of inspection and/or treatment; applications for permits; appeals of denial or revocation of permits; requests for additional mailing labels; compliance agreements; phytosanitary certificates; labeling; importer documents; agreements for post entry quarantine State screening notices; 30-day article notifications; requests for emergency transshipment or division; notices of arrival; emergency action notifications; and monitoring/recordkeeping from entities responsible for growing, packing, handling, transporting, and importing foreign plant parts (roots, bulbs, seeds, fruit, leaves, etc.), plant products, timber, and timber products. In addition, APHIS collects required information from national plant protection organizations (NPPOs) as part of the commodity import approval process.

The information collected is vital to helping APHIS ensure that plants and plant products do not harbor plant pests or diseases that, if introduced into the United States, could cause extensive economic damage to U.S. agriculture.

We are asking the Office of Management and Budget (OMB) to approve our use of these information collection activities, as described, for an additional 3 years.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning our information collection. These comments will help us:

(1) Evaluate 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;

(2) Evaluate the accuracy of our estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

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

(4) Minimize the burden of the collection of information on those who are to respond, through use, as appropriate, of automated, electronic,

mechanical, and other collection technologies; *e.g.,* permitting electronic submission of responses.

Estimate of burden: The public burden for this collection of information is estimated to average 0.011 hours per response.

Respondents: Facilities; growers; producers; production, processing, and packing sites; importers; individuals; businesses; brokers; shippers; NPPOs; and foreign plant protection authorities.

Estimated annual number of respondents: 22,315.

Estimated annual number of responses per respondent: 2,803.

Estimated annual number of responses: 62,552,921.

Estimated total annual burden on respondents: 712,982 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Done in Washington, DC, this 25th day of August 2021.

Mark Davidson,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2021–18645 Filed 8–27–21; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2021–0051]

Notice of Request for Extension of Approval of an Information Collection; Contract Pilot and Aircraft Acceptance

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Extension of approval of an information collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's (APHIS') intention to request an extension of approval of an information collection associated with the use of contract pilots and aircraft in APHIS' Plant Protection and Quarantine domestic, emergency, and biological control programs.

DATES: We will consider all comments that we receive on or before October 29, 2021.

ADDRESSES: You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to *www.regulations.gov.* Enter APHIS–2021–0051 in the Search field. Select the Documents tab, then select the Comment button in the list of documents.
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2021–0051, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road, Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at *www.regulations.gov* or in our reading room, which is located in Room 1620 of the USDA South Building, 14th Street and Independence Avenue SW, Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: For information on contract pilot and aircraft acceptance, contact Dr. Richard Johnson, National Policy Manager, PPQ, APHIS, 4700 River Road, Unit 26, Riverdale, MD 20737; (301) 851–2109. For more detailed information on the information collection reporting process, contact Mr. Joseph Moxey, APHIS' Paperwork Reduction Act Coordinator, at (301) 851–2483; *joseph.moxey@usda.gov.*

SUPPLEMENTARY INFORMATION:

Title: Contract Pilot and Aircraft Acceptance.

OMB Control Number: 0579–0298.

Type of Request: Extension of approval of an information collection.

Abstract: The Plant Protection Act (7 U.S.C. 7701 *et seq.*) authorizes the Secretary of Agriculture, either independently or in cooperation with States, to carry out operations or measures to detect, eradicate, suppress, control, prevent, or retard the spread of plant pests and noxious weeds that are new to or not widely distributed within the United States. This authority has been delegated to the Animal and Plant Health Inspection Service (APHIS).

As part of this mission, APHIS' Plant Protection and Quarantine (PPQ) program responds to introductions of plant pests with eradication, suppression, or containment through various programs in cooperation with State departments of agriculture and other government agencies. These programs may include the aerial application of treatments to control plant pests.

APHIS contracts for these services, and prior to any aerial applications, requests certain information from the contractors and/or contract pilots to ensure that the work will be done according to specifications. Among other things, APHIS asks to see the aircraft registration, the aircraft's airworthiness certificate, the pilot's license, the pilot's medical certification, the pilot's proof of flight review, the pilot's pesticide applicator's license, and the aircraft logbook. Information from these documents and aircraft inspection results are consolidated by APHIS for signature by the APHIS official and the contractor or contract pilot, indicating acceptance of the pilot and aircraft for the job.

We are asking the Office of Management and Budget (OMB) to approve our use of these information collection activities for an additional 3 years.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning our information collection. These comments will help us:

(1) Evaluate 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;

(2) Evaluate the accuracy of our estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

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

(4) Minimize the burden of the collection of information on those who are to respond, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies; *e.g.,* permitting electronic submission of responses.

Estimate of burden: The public burden for this collection of information is estimated to average 0.27 hours per response.

Respondents: Contractors and/or contract pilots of aircraft.

Estimated annual number of respondents: 30.

Estimated annual number of responses per respondent: 1.

Estimated annual number of responses: 30.

Estimated total annual burden on respondents: 8 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Done in Washington, DC, this 24th day of August 2021.

Mark Davidson,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2021–18602 Filed 8–27–21; 8:45 am]

BILLING CODE 3410–34–P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meetings of the Delaware Advisory Committee

AGENCY: Commission on Civil Rights.

ACTION: Announcement of public meetings.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission), and the Federal Advisory Committee Act (FACA), that the Delaware State Advisory Committee to the Commission will hold two, two-hour virtual briefings to discuss racial disparities in COVID–19 testing, infections, treatment, vaccinations and other factors, in Delaware. The first virtual panel presentation titled, COVID–19 Health Disparities, is scheduled on Wednesday, September 15, 2021, at 1:00 p.m. (ET). The second virtual panel presentation titled, COVID–19 Social Disparities, is scheduled on Tuesday, October 12, 2021, at 2:00 p.m. (ET).

DATES:

—Wednesday, September 15, 2021, at 1:00 p.m. (ET)
- To join by web conference: *https://bit.ly/3wV2fIv*
- To join by phone only, dial 1–800–360–9505; Access code: 199 221 3041#

—Tuesday, October 12, 2021, at 2:00 p.m. (ET)
- To join by web conference: *https://bit.ly/3Aq6xtq*
- To join by phone only, dial 1–800–360–9505; Access code: 199 202 7111#

FOR FURTHER INFORMATION CONTACT: Ivy Davis at *ero@usccr.gov* or by phone at (202) 530–8468.

SUPPLEMENTARY INFORMATION: Each meeting is available to the public through the WebEx links above and all participants will be asked to register before being admitted into the meeting. Registration is requested so that agency staff can keep registrants informed about the Committee's activities, including its planned report. If joining only via phone, callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Individuals who are deaf, deafblind and hard of hearing. may also follow the proceedings by first calling the Federal Relay Service at 1–800–877–8339 and providing the Service with the call-in number found through registering at the web link provided for this meeting.

Members of the public are entitled to make brief comments during the Public Comment portion of the agenda—following the conclusion of each Virtual Panel Presentation. Members of the public may also submit written comments; the written comments must be emailed to the Eastern Regional Office within 30 days following the meeting. Written comments may be emailed to: Ivy Davis at *ero@usccr.gov.* Persons who desire additional information may contact the Regional Programs Unit at (202) 539–8468. Records and documents discussed during the meeting will be available for public viewing as they become available at *www.facadatabase.gov.* Persons interested in the work of this advisory committee are advised to go to the Commission's website, *www.usccr.gov,* or to contact the Regional Programs Unit at the above email address or phone number.

Agenda Briefings

Wednesday, September 15, 2021, at 1 p.m. (ET) and Tuesday, October 12, 2021, at 2 p.m. (ET)

I. Roll Call
II. Welcome
III. Virtual Panel Presentation
IV. Public Comment
V. Closing Remarks
VI. Adjourn

Dated: August 24, 2021.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2021–18577 Filed 8–27–21; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the North Dakota Advisory Committee; Cancellation

AGENCY: Commission on Civil Rights.

ACTION: Notice; cancellation of meeting.

SUMMARY: The Commission on Civil Rights published a notice in the **Federal Register** concerning a meeting of the North Dakota Advisory Committee. The meeting scheduled for Thursday, September 2, 2021, at 10:00 a.m. (CT) is cancelled. The notice is in the **Federal Register** of Monday, August 16, 2021, in FR Doc. 2021–17423, in the second and third columns of page 45702.

FOR FURTHER INFORMATION CONTACT: Evelyn Bohor, (202) 921–2212, *ebohor@usccr.gov.*

Dated: August 24, 2021.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2021–18576 Filed 8–27–21; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of a Public Meeting of the Maine Advisory Committee

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of a public meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission), and the Federal Advisory Committee Act (FACA), that the Maine State Advisory Committee to the Commission will hold a virtual meeting on Thursday, September 16, 2021, at 12:00 p.m. (ET) for the purpose of reviewing, editing, and voting on its digital equity project.

DATES: September 16, 2021, Thursday at 12:00 p.m. (ET):
- To join by web conference: *https://bit.ly/3z056BL*
- To join by phone only, dial 1–800–360–9505; Access code: 199 912 1478#

FOR FURTHER INFORMATION CONTACT: Barbara de La Viez at *bdelaviez@usccr.gov* or by phone at (202) 539–8246.

SUPPLEMENTARY INFORMATION: These meetings are available to the public through the WebEx link above. If joining only via phone, callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Individuals who are deaf, deafblind and hard of hearing. may also follow the proceedings by first calling the Federal Relay Service at 1–800–877–8339 and providing the Service with the call-in number found through registering at the web link provided for these meetings.

Members of the public are entitled to make comments during the open period at the end of the meetings. Members of the public may also submit written comments; the comments must be received in the Regional Programs Unit within 30 days following the meeting. Written comments may be emailed to Barbara de La Viez at *bdelaviez@usccr.gov.* Persons who desire additional information may contact the Regional Programs Unit at (202) 539–

8246. Records and documents discussed during the meetings will be available for public viewing as they become available at *www.facadatabase.gov.* Persons interested in the work of this advisory committee are advised to go to the Commission's website, *www.usccr.gov,* or to contact the Regional Programs Unit at the above phone number or email address.

Agenda

Thursday, September 16, 2021, at 12:00 p.m. (ET)

I. Roll Call
II. Report Review: Digital Equity
III. Next Steps
IV. Public Comment
V. Adjournment

Dated: August 24, 2021.

David Mussatt,

Supervisory Chief,Regional Programs Unit.

[FR Doc. 2021–18574 Filed 8–27–21; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Direct Investment Surveys: BE–11, Annual Survey of U.S. Direct Investment Abroad

The Department of Commerce will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. We invite the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. Public comments were previously requested via the **Federal Register** on 06/16/2021 during a 60-day comment period. This notice allows for an additional 30 days for public comments.

Agency: Bureau of Economic Analysis (BEA), Commerce.

Title: Annual Survey of U.S. Direct Investment Abroad.

OMB Control Number: 0608–0053.

Form Number: BE–11.

Type of Request: Regular submission, reinstatement without change

Number of Respondents: 3,500 respondents (U.S. parents). A complete response includes a BE–11 A form for the U.S. parent's domestic operation and one or more BE–11 B, C, or D forms for its foreign affiliates that meet the BE–11 survey requirements. BEA estimates that U.S. parents will submit 3,500 A forms, 24,000 B forms, 1,900 C forms, 100 D forms, and 500 Claim for Exemption forms.

Average Hours per Response: 90.5 hours per respondent (316,900 hours/3,500 U.S. parents) is the average but may vary considerably among respondents because of differences in company structure, complexity, and the number of foreign affiliates each U.S. parent must report.

Burden Hours: 316,900 hours. Total annual burden is calculated by multiplying the estimated number of submissions of each form by the average hourly burden per form, which is 7 hours for the A form, 12 hours for the B form, 2 hours for the C form, 1 hour for the D form, and 1 hour for the Claim for Exemption form.

Needs and Uses: The Annual Survey of U.S. Direct Investment Abroad (BE–11) obtains sample data on the financial structure and operations of U.S. parents and their foreign affiliates. The data are needed to provide reliable, useful, and timely measures of U.S. direct investment abroad to assess its impact on the U.S. and foreign economies. The sample data are used to derive universe estimates in nonbenchmark years from similar data reported in the BE–10, Benchmark Survey of U.S. Direct Investment Abroad, which is conducted every five years. The data collected include balance sheets; income statements; property, plant, and equipment; employment and employee compensation; merchandise trade; sales of goods and services; taxes; and research and development activity.

Affected Public: Businesses or other for-profit organizations.

Frequency: Annual.

Respondent's Obligation: Mandatory.

Legal Authority: International Investment and Trade in Services Survey Act (Pub. L. 94–472, 22 U.S.C. 3101–3108, as amended).

This information collection request may be viewed at *www.reginfo.gov.* Follow the instructions to view Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function and entering either the title of the collection or the OMB Control Number 0608–0053.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.

[FR Doc. 2021–18628 Filed 8–27–21; 8:45 am]

BILLING CODE 3510–06–P

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Direct Investment Surveys: BE–15, Annual Survey of Foreign Direct Investment in the United States

The Department of Commerce will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. We invite the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. Public comments were previously requested via the **Federal Register** on 6/16/2021 during a 60-day comment period. This notice allows for an additional 30 days for public comments.

Agency: Bureau of Economic Analysis (BEA), Department of Commerce.

Title: Annual Survey of Foreign Direct Investment in the United States.

OMB Control Number: 0608–0034.

Form Number: BE–15.

Type of Request: Regular submission, reinstatement without change.

Number of Respondents: 6,600 annually, of which approximately 3,300 file A forms, 1,600 file B forms, 1,200 file C forms, and 500 file Claim for Exemption forms.

Average Hours per Response: 23.8 hours per respondent (156,875 hours/6,600 respondents) is the average but may vary considerably among respondents because of differences in company size and complexity.

Burden Hours: 156,875 hours. Total annual burden is calculated by multiplying the estimated number of submissions of each form by the average hourly burden per form, which is 44.75 hours for the A form, 3.75 hours for the B form, 2.25 hours for the C form, and

1 hour for the Claim for Exemption form.

Needs and Uses: The Annual Survey of Foreign Direct Investment in the United States (BE–15) obtains sample data on the financial structure and operations of foreign-owned U.S. business enterprises. The data are needed to provide reliable, useful, and timely measures of foreign direct investment in the United States to assess its impact on the U.S. economy. The sample data are used to derive universe estimates in nonbenchmark years from similar data reported in the BE–12, Benchmark Survey of Foreign Direct Investment in the United States, which is conducted every five years. The data collected include balance sheets; income statements; property, plant, and equipment; employment and employee compensation; merchandise trade; sales of goods and services; taxes; and research and development activity for the U.S. operations. In addition to these national data, several data items are collected by state, including employment and property, plant, and equipment.

Affected Public: Businesses or other for-profit organizations.

Frequency: Annual.

Respondent's Obligation: Mandatory.

Legal Authority: International Investment and Trade in Services Survey Act (Pub. L. 94–472, 22 U.S.C. 3101–3108, as amended).

This information collection request may be viewed at *www.reginfo.gov.* Follow the instructions to view Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function and entering either the title of the collection or the OMB Control Number 0608–0034.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.

[FR Doc. 2021–18629 Filed 8–27–21; 8:45 am]

BILLING CODE 3510–06–P

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Services Surveys: BE–29, Annual Survey of Foreign Ocean Carriers' Expenses in the United States

AGENCY: Bureau of Economic Analysis, Commerce.

ACTION: Notice of information collection, request for comment.

SUMMARY: The Department of Commerce, in accordance with the Paperwork Reduction Act of 1995 (PRA), invites the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. The purpose of this notice is to allow for 60 days of public comment preceding submission of the collection to OMB.

DATES: To ensure consideration, comments regarding this proposed information collection must be received on or before October 29, 2021.

ADDRESSES: Interested persons are invited to submit written comments to Christopher Stein, Chief, Services Surveys Branch, Bureau of Economic Analysis, by email to *christopher.stein@bea.gov* or *PRAcomments@doc.gov.* Please reference OMB Control Number 0608–0012 in the subject line of your comments. Do not submit Confidential Business Information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or specific questions related to collection activities should be directed to Christopher Stein, Chief, Services Surveys Branch, Bureau of Economic Analysis, 301–278–9189, or via email at *christopher.stein@bea.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

The Annual Survey of Foreign Ocean Carriers' Expenses in the United States (BE–29) collects data from U.S. agents of foreign ocean carriers that handled 40 or more foreign ocean carrier port calls during the year, or had total covered expenses of $250,000 or more during the year for all foreign ocean vessels handled by the U.S. agent.

The data are needed monitor trade in transport services, to analyze the impact of U.S. trade on the U.S. and foreign economies, to compile and improve the U.S. economic accounts, to support U.S. commercial policy on trade in transport services, to conduct trade promotion, and to improve the ability of U.S. businesses to identify and evaluate market opportunities. The data are used in estimating the transport services component of the U.S. international transactions accounts (ITAs) and national income and product accounts (NIPAs).

The Bureau of Economic Analysis (BEA) is proposing no additions or modifications to the information collected on the current BE–29. The language in the instructions and definitions will be reviewed and adjusted as necessary to clarify survey requirements.

BEA proposes to change the due date of the survey to 45 days after the close of each year from 90 days, beginning with the reporting period for the 2021 year, which will be collected in 2022. Shortening the reporting timeline will allow BEA to produce more accurate and complete trade in transport services statistics in the ITAs, which is critical information for policymakers' timely decisions on international trade policy. The earlier due date will allow BEA to validate the data and integrate it into the statistics in time for the annual update of the ITAs, improving the accuracy of both the aggregates and the country detail and reducing revisions in subsequent statistical releases.

BEA estimates there will be no change in the average number of burden hours per response, which is currently estimated to be 3 hours. The language in the instructions and definitions will be reviewed and adjusted as necessary to clarify survey requirements.

II. Method of Collection

BEA contacts potential respondents by mail in December of the preceding year. Respondents would be required to file the completed BE–29 forms within 45 days after the end of the year. Reports will be required from U.S. agents of foreign ocean carriers that handled 40 or more foreign ocean carrier port calls during the year or had covered expenses of $250,000 or more during the year for all foreign ocean vessels handled by the U.S. agent. Entities required to report will be contacted individually by BEA. Entities not contacted by BEA have no reporting responsibilities.

BEA offers its electronic filing option, the eFile system, for use in reporting on Form BE–29. For more information about eFile, go to *www.bea.gov/efile.* In addition, BEA posts all its survey forms and reporting instructions on its website, *www.bea.gov/ssb.* These may

be downloaded, completed, printed, and submitted via fax or mail.

III. Data

OMB Control Number: 0608–0012.

Form Number(s): BE–29.

Type of Review: Regular submission.

Affected Public: U.S. agents of foreign ocean carriers.

Estimated Number of Respondents: 80 annually (70 reporting mandatory data, and 10 that would file exemption claims or voluntary responses).

Estimated Time per Response: 3 hours is the average for those reporting data and one hour is the average for those filing an exemption claim. Hours may vary considerably among respondents because of differences in company size and complexity.

Estimated Total Annual Burden Hours: 220.

Estimated Total Annual Cost to Public: $0.

Respondent's Obligation: Mandatory.

Legal Authority: International Investment and Trade in Services Survey Act (Pub. L. 94–472, 22 U.S.C. 3101–3108, as amended).

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (b) the accuracy of the Agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.

[FR Doc. 2021–18630 Filed 8–27–21; 8:45 am]

BILLING CODE 3510–06–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 2117]

Designation of New Grantee, Foreign-Trade Zone 218, St. Lucie County, Florida

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

The Foreign-Trade Zones (FTZ) Board (the Board) has considered the application (docketed May 17, 2021) submitted by Treasure Coast Foreign-Trade Zone, Inc., grantee of FTZ 218, requesting reissuance of the grant of authority for said zone to St. Lucie County, Florida, which has accepted such reissuance subject to approval by the FTZ Board. Upon review, the Board finds that the requirements of the FTZ Act and the Board's regulations are satisfied, and that the proposal is in the public interest.

Therefore, the Board approves the application and recognizes St. Lucie County, Florida as the new grantee for Foreign-Trade Zone 218, subject to the FTZ Act and the Board's regulations, including Section 400.13.

Dated: August 24, 2021.

Christian B. Marsh,

Acting Assistant Secretary, for Enforcement and Compliance, Alternate Chairman, Foreign-Trade Zones Board.

[FR Doc. 2021–18593 Filed 8–27–21; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–895]

Low Melt Polyester Staple Fiber From the Republic of Korea: Final Results of Antidumping Duty Administrative Review; 2019–2020

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) determines that the sole producer/exporter subject to this administrative review made sales of subject merchandise at less than normal value during the period of review (POR), August 1, 2019, through July 31, 2020.

DATES: Applicable August 30, 2021.

FOR FURTHER INFORMATION CONTACT: Alice Maldonado or Melissa Kinter, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–4682 or (202) 482–1413, respectively.

SUPPLEMENTARY INFORMATION:

Background

The review covers one producer and exporter of the subject merchandise, Toray Advanced Materials Korea, Inc. (TAK).

On May 6, 2021, Commerce published the *Preliminary Results.*[1] Although we invited parties to comment on the *Preliminary Results,*[2] no interested party submitted comments. Accordingly, no decision memorandum accompanies this **Federal Register** notice.[3]

Commerce conducted this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

Scope of the Order

The merchandise subject to the order includes synthetic staple fibers, not carded, or combed, specifically bi-component polyester fibers having a polyester fiber component that melts at a lower temperature than the other polyester fiber component (low melt PSF). The scope includes bi-component polyester staple fibers of any denier or cut length. The subject merchandise may be coated, usually with a finish or dye, or not coated.

Low melt PSF is classifiable under the Harmonized Tariff Schedule of the United States (HTSUS) subheading 5503.20.0015. Although the HTSUS subheading is provided for convenience and customs purposes, the written description of the scope of the order is dispositive.

Final Results of the Review

We are assigning the following weighted-average dumping margin to

[1] *See Low Melt Polyester Staple Fiber from the Republic of Korea: Preliminary Results of Antidumping Duty Administrative Review; 2019–2020,* 86 FR 24381 (May 6, 2021) (*Preliminary Results*).

[2] *Id.* at 24382.

[3] For further details of the issues addressed in this proceeding, *see Preliminary Results* and accompanying Preliminary Decision Memorandum.

TAK for the period August 1, 2019, through July 31, 2020:

Exporter/producer	Weighted-average dumping margin (percent)
Toray Advanced Materials Korea, Inc	3.00

Assessment Rates

Commerce has determined, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries in accordance with section 751(a)(2)(C) of the Act and 19 CFR 351.212(b).

Pursuant to 19 CFR 351.212(b)(1), where the respondent reported the entered value of their U.S. sales, we calculated importer-specific *ad valorem* duty assessment rates based on the ratio of the total amount of dumping calculated for the examined sales to the total entered value of the sales for which entered value was reported. Where the respondent did not report entered value, we calculated the entered value in order to calculate the assessment rate. Where either the respondent's weighted-average dumping margin is zero or *de minimis* within the meaning of 19 CFR 351.106(c)(1), or an importer-specific rate is zero or *de minimis,* we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of this review and for future deposits of estimated duties, where applicable.[4]

Commerce's ''automatic assessment'' will apply to entries of subject merchandise during the POR produced by TAK for which it did not know that the merchandise it sold to an intermediary (*e.g.,* a reseller, trading company, or exporter) was destined for the United States. In such instances, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.[5] The all-others rate is 16.27 percent.[6]

Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.,* within 90 days of publication).

Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for TAK will be the rate shown above; (2) for previously reviewed or investigated companies not participating in this review, the cash deposit rate will continue to be the company-specific rate published for the most recently-completed segment; (3) if the exporter is not a firm covered in this review, a previous review, or the original less-than-fair value (LTFV) investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent segment for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 16.27 percent, the all-others rate made effective by the LTFV investigation.[7] These deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Administrative Protective Order

This notice serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

Notification to Interested Parties

This notice is issued and published in accordance with sections 751(a)(1) and 777(i) of the Act.

Dated: August 24, 2021.

Christian Marsh,

Acting Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2021–18595 Filed 8–27–21; 8:45 am]

BILLING CODE 3510–DS–P

[4] *See* section 751(a)(2)(C) of the Act.

[5] For a full discussion of this practice, *see Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003).

[6] *See Low Melt Polyester Staple Fiber from the Republic of Korea and Taiwan: Antidumping Duty Orders,* 83 FR 40752, 40753 (August 16, 2018).

[7] *Id.*

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–980]

Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, From the People's Republic of China: Final Results and Partial Rescission of Countervailing Duty Administrative Review; 2018

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) determines that countervailable subsidies are being provided to producers/exporters of crystalline silicon photovoltaic cells, whether or not assembled into modules (solar cells), from the People's Republic of China (China) during the period of review (POR) January 1, 2018, through December 31, 2018. Commerce is also rescinding this review with respect to forty companies that had no reviewable entries during the POR.

DATES: Applicable August 30, 2021.

FOR FURTHER INFORMATION CONTACT: Robert Copyak or Lingjun Wang, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone (202) 482–3642, or (202) 482–2316, respectively.

SUPPLEMENTARY INFORMATION:

Background

On April 23, 2021, Commerce published the *Preliminary Results* of this administrative review and invited comments from interested parties.[1] On

[1] *See Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, from the*

Continued

May 24, 2021, we received timely case briefs and letters in lieu of case briefs from the following interested parties: (1) Jinko Solar Co., Ltd., Jinko Solar Import and Export Co., Ltd., Jinko Solar International Limited, Zhejiang Jinko Solar Co., Ltd., and Longi Solar Technology Co. Ltd. (f/k/a LERRI Solar Technology Co., Ltd.); [2] (2) the Government of China (GOC); [3] (4) Wuxi Tianran Photovoltaic Co., Ltd. (Tianran); [4] (5) Shanghai BYD Co., Ltd. and BYD (Shangluo) Industrial Co., Ltd. (collectively, BYD); [5] and (6) Shanghai JA Solar Technology Co., Ltd., JA Solar Technology Yangzhou Co., Ltd., and JingAo Solar Co., Ltd. (collectively, JA Solar).[6] On June 1, 2021, we received a timely rebuttal brief from a domestic interested party, the American Alliance for Solar Manufacturing.[7]

Scope of the Order

The products covered by the order are solar cells from China. A full description of the scope of the order is contained in the Issues and Decision Memorandum.[8]

Analysis of Comments Received

All issues raised in the interested parties' briefs are addressed in the Issues and Decision Memorandum. A list of the issues raised by interested parties and to which Commerce responded in the Issues and Decision Memorandum is provided in Appendix I to this notice. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov*. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/*.

Changes Since the Preliminary Results

Based on comments in the case and rebuttal briefs and record evidence, Commerce made certain changes from the *Preliminary Results* with regard to the calculation of Tianran's program rates for the Provision of Electricity for Less than Adequate Remuneration (LTAR) program and the Provision of Solar Glass for LTAR program. As a result of these changes to Tianran's program rates, the final AFA rate also changed. These changes are explained in the Issues and Decision Memorandum.

Methodology

Commerce conducted this administrative review in accordance with section 751(a)(1)(A) of the Tariff Act of 1930, as amended (the Act). For each subsidy program found to be countervailable, Commerce finds that there is a subsidy, *i.e.,* a financial contribution from a government or public entity that gives rise to a benefit to the recipient, and that the subsidy is specific.[9] For a full description of the methodology underlying all of Commerce's conclusions, including any determination that relied upon the use of adverse facts available pursuant to section 776(a) and (b) of the Act, *see* the Issues and Decision Memorandum.

Partial Rescission of Administrative Review

It is Commerce's practice to rescind an administrative review of a countervailing duty order, pursuant to 19 CFR 351.213(d)(3), when there are no reviewable entries of subject merchandise during the POR for which liquidation is suspended.[10] Normally, upon completion of an administrative review, the suspended entries are liquidated at the countervailing duty assessment rate calculated for the review period.[11] Therefore, for an administrative review of a company to be conducted, there must be a reviewable, suspended entry that Commerce can instruct U.S. Customs and Border Protection (CBP) to liquidate at the calculated countervailing duty assessment rate calculated for the review period.[12]

We continue to find that fifteen companies had no shipments of the subject merchandise, and that twenty-five companies subject to this review did not have reviewable entries of subject merchandise for which liquidation is suspended. Because there is no evidence on the record to indicate that these companies had entries, exports, or sales of subject merchandise during the POR, we are rescinding this review with respect to these companies consistent with 19 CFR 351.213(d)(3). *See* Appendix III for a complete list of these companies.

Companies Not Selected for Individual Review

The statute and Commerce's regulations do not address the establishment of a rate to be applied to companies not selected for examination when Commerce limits its examination in an administrative review pursuant to section 777A(c)(2) of the Act. Generally, Commerce looks to section 705(c)(5) of the Act, which provides instructions for determining the all-others rate in an investigation, for guidance when calculating the rate for companies which were not selected for individual examination in an administrative review. Under section 705(c)(5)(A) of the Act, the all-others rate is normally ''an amount equal to the weighted average of the countervailable subsidy rates established for exporters and producers individually investigated, excluding any zero or *de minimis* countervailable subsidy rates, and any rates determined entirely {on the basis of facts available}.''

In these final results, the only rate that is not zero, *de minimis,* or based entirely on facts otherwise available is the rate calculated for Tianran. Consequently, as discussed above, the rate calculated for Tianran is also assigned as the rate for all other

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People's Republic of China: Preliminary Results of Countervailing Duty Administrative Review and Rescission of Review, in Part; 2018, 86 FR 21691 (April 23, 2021) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum (PDM).

[2] *See* GDLSK's Letter, ''GDLSK Respondents Letter Brief: 2018 Administrative Review of the Countervailing Duty Order on Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, from the People's Republic of China (C–570–980),'' dated May 24, 2021.

[3] *See* GOC's Letter, ''Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled into Modules from the People's Republic of China—Case Brief,'' dated May 24, 2021.

[4] *See* Tianran's Letter, ''Countervailing Duty Administrative Review of Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled into Modules, from the People's Republic of China: Case Brief Wuxi Tianran Photovoltaic Co., Ltd.,'' dated May 24, 2021.

[5] *See* BYD's Letter, ''Crystalline Silicon Photovoltaic Cells, Whether Or Not Assembled Into Modules, from the People's Republic of China (2018 Review): *See also* BYD Letter in Lieu of Case Brief,'' dated May 24, 2021.

[6] *See* JA Solar's Letter, ''Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled into Modules from the People's Republic of China: Letter in Lieu of Case Brief,'' dated May 24, 2021.

[7] *See* Alliance's Letter, ''Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled into Modules from the People's Republic of China: Rebuttal Brief,'' dated June 1, 2021.

[8] *See* Memorandum, ''Issues and Decision Memorandum for the Final Results and Partial Recission of the Administrative Review of the Countervailing Duty Order on Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled into Modules, from the People's Republic of China; 2018,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

[9] *See* sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

[10] *See, e.g., Lightweight Thermal Paper from the People's Republic of China: Notice of Rescission of Countervailing Duty Administrative Review; 2015,* 82 FR 14349 (March 20, 2017); and *Circular Welded Carbon Quality Steel Pipe from the People's Republic of China: Rescission of Countervailing Duty Administrative Review; 2017,* 84 FR 14650 (April 11, 2019).

[11] *See* 19 CFR 351.212(b)(2).

[12] *See* 19 CFR 351.213(d)(3).

producers and exporters subject to this review but not selected for individual examination (*i.e.,* non-selected companies). *See* Appendix II for a complete list of these companies.

Final Results of Administrative Review

In accordance with 19 CFR 351.221(b)(5), Commerce calculated a countervailable subsidy rate for the mandatory company respondent Tianran. Further, pursuant to 19 CFR 351.525(c), we cumulated the benefits from subsidies received by Tianran and DaSol Solar Energy Science & Technology Co., Ltd. (DaSol), an unaffiliated producer of subject merchandise exported by Tianran to the United States.[13] We continue to (1) determine the countervailable subsidy rate for Solarchina based entirely on adverse facts available according to section 776 of the Act; (2) assign an individual estimated subsidy rate based on adverse facts available to Taichang, Tianran's other unaffiliated supplier of subject merchandise, according to section 776 of the Act; (3) assign the rate calculated for Tianran to the non-selected companies.

Commerce determines the net countervailable subsidy rates for the period January 1, 2018, through December 31, 2018, are as follows:

Company	Subsidy rate (percent *ad valorem*)
Jiawei Solarchina Co., Ltd	525.58
Wuxi Tianran Photovoltaic Co., Ltd	[14] 19.28
Wuxi Taichang Electronics Co., Ltd [15]	525.58
Non-Selected Companies [16]	19.28

Disclosure

Commerce will disclose to the parties in this proceeding the calculations performed for these final results within five days of the date of publication of this notice in the **Federal Register**.[17]

[13] For a more detailed discussion, *see Preliminary Results* PDM.

[14] This rate applies to subject merchandise exported by Tianran and produced by companies other than Taichang.

[15] Commerce preliminarily finds the following companies to be cross-owned with Taichang: China Machinery Engineering Wuxi Co., Ltd (CMEW); and China Machinery Engineering Corporation (CMEC).

[16] *See* Appendix II of this notice for a list of all companies that remain under review but were not selected for individual examination, and to whom Commerce has assigned the non-selected company rate.

[17] *See* 19 CFR 351.224(b).

Assessment Rates

Pursuant to section 751(a)(2)(C) of the Act and 19 CFR 351.212(b), Commerce shall determine, and CBP shall assess, countervailing duties on all appropriate entries of subject merchandise in accordance with the final results of this review.

Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.,* within 90 days of publication).

Cash Deposit Instructions

In accordance with section 751(a)(1) of the Act, Commerce intends to instruct CBP to collect cash deposits of estimated countervailing duties in the amounts shown for each of the respective companies listed above. For all non-reviewed firms, CBP will continue to collect cash deposits of estimated countervailing duties at the all-others rate or the most recent company-specific rate applicable to the company, as appropriate. These cash deposits, when imposed, shall remain in effect until further notice.

Administrative Protective Order

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

Notification to Interested Parties

Commerce is issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: August 23, 2021.

Christian Marsh,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix I

List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Background
III. List of Comments from Interested Parties
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V. Rescission of the Administrative Review, in Part
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Appendix II

Non-Selected Companies Under Review

1. Anji DaSol Solar Energy Science & Technology Co., Ltd.
2. Canadian Solar International Limited
3. JA Solar Technology Yangzhou Co., Ltd.
4. Jiawei Solarchina (Shenzhen) Co., Ltd.
5. JingAo Solar Co., Ltd.
6. Jinko Solar Co., Ltd.
7. Jinko Solar Import and Export Co., Ltd.
8. Ningbo Qixin Solar Electrical Appliance Co., Ltd.
9. Risen Energy Co., Ltd.
10. Shanghai BYD Co., Ltd.
11. Shanghai JA Solar Technology Co., Ltd.
12. Shenzhen Sungold Solar Co., Ltd.
13. Shenzhen Topray Solar Co., Ltd.
14. Taizhou BD Trade Co., Ltd.
15. Wuxi Suntech Power Co., Ltd.
16. Yingli Energy (China) Co., Ltd.

Appendix III

Rescind the Review, In Part

No-Shipments:

1. Chint Solar (Zhejiang) Co., Ltd.
2. Changzhou Trina Solar Yabang Energy Co., Ltd.
3. Hubei Trina Solar Energy Co., Ltd.
4. Trina Solar Energy Co., Ltd., (formerly, Changzhou Trina Solar Energy Co., Ltd.)
5. Trina Solar (Changzhou) Science and Technology Co., Ltd.
6. Turpan Trina Solar Energy Co., Ltd.
7. Yancheng Trina Solar Energy Technology Co., Ltd.
8. Baoding Jiasheng Photovoltaic Technology Co., Ltd.
9. Baoding Tianwei Yingli New Energy Resources Co., Ltd.
10. Hainan Yingli New Energy Resources Co., Ltd.
11. Hengshui Yingli New Energy Resources Co., Ltd.
12. Lixian Yingli New Energy Resources Co., Ltd.
13. Shenzhen Yingli New Energy Resources

Co., Ltd.
14. Tianjin Yingli New Energy Resources Co., Ltd.
15. Yingli Green Energy International Trading Company Limited

No-Reviewable Entries:

16. BYD (Shangluo) Industrial Co., Ltd.
17. Canadian Solar Manufacturing (Changshu) Inc.
18. Canadian Solar Manufacturing (Luoyang) Inc.
19. De-Tech Trading Limited HK
20. Dongguan Sunworth Solar Energy Co., Ltd.
21. Eoplly New Energy Technology Co., Ltd.
22. ERA Solar Co., Ltd.
23. ET Solar Energy Limited
24. Hangzhou Sunny Energy Science and Technology Co., Ltd.
25. Hengdian Group DMEGC Magnetics Co., Ltd.
26. Jiangsu High Hope Int'l Group
27. Jinko Solar International Limited
28. LERRI Solar Technology Co., Ltd.
29. Light Way Green New Energy Co., Ltd.
30. Luoyang Suntech Power Co., Ltd.
31. Ningbo ETDZ Holdings, Ltd.
32. Sumec Hardware & Tools Co., Ltd.
33. Sunpreme Solar Technology (Jiaxing) Co., Ltd.
34. Systemes Versilis, Inc.
35. tenKsolar (Shanghai) Co., Ltd.
36. Tianneng Yingli New Energy Resources Co., Ltd.
37. Toenergy Technology Hangzhou Co., Ltd.
38. Zhejiang ERA Solar Technology Co., Ltd.
39. Zhejiang Jinko Solar Co., Ltd.
40. Zhejiang Sunflower Light Energy Science & Technology Limited Liability Company

[FR Doc. 2021–18598 Filed 8–27–21; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[C–122–858]

Certain Softwood Lumber Products From Canada: Notice of Court Decision Not in Harmony With the Final Results of Countervailing Duty Expedited Review; Notice of Rescission of Final Results of Expedited Review; Notice of Amended Cash Deposit Rates

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: On August 18, 2021, the U.S. Court of International Trade (CIT) issued its final judgment in *Committee Overseeing Action for Lumber International Trade Investigations or Negotiations, et al.* v. *United States, et al.,* Consol. Court No. 19–00122, sustaining the Department of Commerce's (Commerce) remand results pertaining to the expedited review of the countervailing duty (CVD) order on certain softwood lumber products (softwood lumber) from Canada covering the period January 1, 2015, through December 31, 2015. Commerce is notifying the public that the CIT's final judgment is not in harmony with Commerce's final results of the expedited review, and that Commerce is rescinding the final results; reinstating the CVD order for Les Produits Forestiers D&G Ltée (D&G), Marcel Lauzon Inc. (MLI), North American Forest Products Ltd. (NAFB) (located in New Brunswick), Roland Boulanger & Cie Ltée (Roland), and Scierie Alexandre Lemay & Fils Inc. (Lemay) (including their cross-owned affiliates); and reassigning the cash deposit rate for the companies covered by the *Final Results of Expedited Review.*

DATES: Applicable August 28, 2021.

FOR FURTHER INFORMATION CONTACT: Kristen Johnson, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–4793.

SUPPLEMENTARY INFORMATION:

Background

On January 3, 2018, Commerce published the CVD order on softwood lumber from Canada.[1] On July 5, 2019, Commerce published its *Final Results of Expedited Review* for the *CVD Order.*[2] In the *Final Results of Expedited Review,* Commerce stated that it promulgated 19 CFR 351.214(k), its regulations for conducting CVD expedited reviews, pursuant to section 103(a) of the Uruguay Round of Agreements Act (URAA), which made several amendments to the antidumping and CVD provisions of the Tariff Act of 1930, as amended (the Act).[3] Specifically, Commerce explained that Article 19.3 of the World Trade Organization Agreement on Subsidies and Countervailing Measures (SCM Agreement) expressly provides for expedited reviews of non-investigated exporters or producers in CVD proceedings and that the Statement of Administrative Action (SAA) states that ''Article 19.3 of the Subsidies Agreement provides that any exporter whose exports are subject to a CVD order, but which was not actually investigated for reasons other than a refusal to cooperate, shall be entitled to an expedited review to establish an individual CVD rate for that exporter.'' [4] Although the URAA did not implement a specific provision for the conduct of CVD expedited reviews in the Act, Commerce concluded that it had the authority to promulgate the CVD expedited review regulations at 19 CFR 351.214(k) pursuant to section 103(a) of the URAA, which provides that ''appropriate officers of the United States Government may issue such regulations, as may be necessary to ensure that any provision of this Act, or amendment made by this Act, . . . is appropriately implemented . . . .'' [5]

[1] *See Certain Softwood Lumber Products from Canada: Amended Final Affirmative Countervailing Duty Determination and Countervailing Duty Order,* 83 FR 347 (January 3, 2018) (*CVD Order*).

[2] *See Certain Softwood Lumber Products from Canada: Final Results of Countervailing Duty Expedited Review,* 84 FR 32121 (July 5, 2019) (*Final Results of Expedited Review*), and accompanying Issues and Decision Memorandum (IDM).

[3] *See Final Results of Expedited Review* IDM at 19 (citing URAA, Pub. L. 103–465, 108 Stat. 4809 (1994)).

[4] *Id.* at 18 (citing SAA H.R. Doc. 103–316, Vol. I at 870 (1994), reprinted at 1994 U.S.C.C.A.N. 4040, 4199, at 941. Section 102(d) of the URAA states that the SAA ''shall be regarded as an authoritative expression by the United States concerning the interpretation and application of the Uruguay Round Agreements and this Act in any judicial proceeding in which a question arises concerning such interpretation or application'').

[5] *See Final Results of Expedited Review* IDM at 19 (citing section 103(a) of the URAA).

After determining that it had statutory authority to conduct the expedited review, Commerce found that among the eight companies subject to the CVD expedited review, five of the companies each had a *de minimis* subsidy rate and were, therefore, excluded from the *CVD Order*.[6] The five companies are D&G, MLI, NAFB (located in New Brunswick), Roland, and Lemay (and their cross-owned affiliates).[7] The other three companies (and their cross-owned affiliates) subject to the review that received individual above *de minimis* rates are Fontaine Inc. (Fontaine), Mobilier Rustique (Beauce) Inc. (Mobilier Rustique), and Produits Matra Inc. and Sechoirs de Beauce Inc. (Produits Matra).[8]

The Committee Overseeing Action for Lumber International Trade Investigations or Negotiations appealed Commerce's *Final Results of Expedited Review.* On November 19, 2020, the CIT held that Commerce exceeded its authority in promulgating 19 CFR 351.214(k) pursuant to section 103(a) of the URAA.[9] Specifically, the CIT explained that because section 103(a) of the URAA only authorizes Commerce to issue regulations for enacted provisions of the URAA, and because the URAA does not contain a provision explicitly authorizing CVD expedited reviews, section 103(a) cannot be the basis of Commerce's authority for promulgating its CVD expedited review regulations.[10] The CIT remanded the *Final Results of Expedited Review* to Commerce for Commerce to either take action in conformity with its opinion, or to consider alternative legal authorities interested parties had presented to the CIT as the basis for Commerce's promulgation of its CVD expedited review regulations at 19 CFR 351.214(k) to determine individual subsidy rates for companies not individually examined in an investigation.[11] These alternative legal authorities included sections 101(a), 101(b), and 103(b) of the URAA; sections 705(c), 751(a), 751(b), and 77A(e) of the Act; and the inherent authority of agencies to reconsider prior decisions.[12]

In its final remand redetermination, issued in February 2021, Commerce determined that, in accordance with the CIT's opinion and interpretation of the URAA, section 103(a) of the URAA, as well as the other legal authorities presented to the CIT, are not adequate bases for the promulgation of the CVD expedited review regulations under 19 CFR 351.214(k).[13] The CIT sustained Commerce's final redetermination; vacated the CVD expedited review regulations at 19 CFR 351.214(k); vacated the *Final Results of Expedited Review;* ordered that the companies excluded from the *CVD Order* as a result of the expedited review be reinstated under the *CVD Order* prospectively; and for all companies that were covered by the *Final Results of Expedited Review,* impose a cash deposit requirement based on the all-others rate from the investigation or the company-specific rate determined in the most recently completed administrative review in which the company was reviewed.[14] Consequently, Commerce is reinstating the five excluded companies in the *CVD Order* prospectively (D&G, MLI, NAFB (located in New Brunswick), Roland, and Lemay) and imposing on those companies a 14.19 percent *ad valorem* cash deposit requirement based on the all-others rate from the investigation.[15] Commerce is also assigning as the cash deposit rate for Fontaine, Mobilier Rustique, and Produits Matra either the all-others rate from the investigation, or the rate determined for the company in the most recently completed administrative review in which the company was reviewed.

Notice

In its decision in *Timken,*[16] as clarified by *Diamond Sawblades,*[17] the Court of Appeals for the Federal Circuit held that, pursuant to section 516A(c) and (e) of the Act, Commerce must publish a notice of court decision that is not ''in harmony'' with a Commerce determination and must suspend liquidation of entries pending a ''conclusive'' court decision. The CIT's August 18, 2021, judgment constitutes a final decision of the CIT that is not in harmony with Commerce's *Final Results of Expedited Review.* We are issuing this notice consistent with section 516A(c) of the Act and in accordance with the CIT's order.

Cash Deposit Rates

Because there is now a final court judgment vacating the *Final Results of Expedited Review,* Commerce is reassigning the countervailable subsidy rates for the companies subject to the *Final Results of Expedited Review* as follows:

Producer/exporter	Subsidy rate (percent ad valorem)
Les Produits Forestiers D&G Ltée and its cross-owned affiliates[18]	14.19
Marcel Lauzon Inc. and its cross-owned affiliates[19]	14.19
North American Forest Products Ltd. (located in New Brunswick) and its cross-owned affiliates[20]	14.19
Roland Boulanger & Cie Ltée and its cross-owned affiliates[21]	14.19
Scierie Alexandre Lemay & Fils Inc. and its cross-owned affiliates[22]	14.19
Fontaine Inc. and its cross-owned affiliates[23]	14.19
Mobilier Rustique (Beauce) Inc. and its cross-owned affiliates[24]	14.19

[6] *See Final Results of Expedited Review,* 84 FR at 32122.

[7] *Id.*

[8] *Id.*

[9] *See Committee Overseeing Action for Lumber International Trade Investigations or Negotiations, et al.* v. *United States, et al.,* Court No. 19–00122, Slip Op. 20–167 (CIT 2020), at 17. The CIT also held that because the SAA does not propose any actions for the implementation of CVD expedited reviews, Commerce was not authorized to promulgate 19 CFR 351.214(k) under section 103(b) of the URAA, which provides for the issuance of ''{a}ny interim regulation necessary or appropriate to carry out any action proposed in the {SAA}.'' *Id.* at 23–24.

[10] *Id.* at 17–18, 20–21.

[11] *Id.* at 3–4, 33–35.

[12] *Id.* at 33. Although the CIT ruled that section 103(b) of the URAA does not provide Commerce authority to promulgate its CVD expedited review regulations, the CIT allowed Commerce to further elaborate on its arguments regarding section 103(b) on remand. *Id.*

[13] *See* Final Results of Redetermination Pursuant to Court Remand, *Committee Overseeing Action for Lumber International Trade Investigations or Negotiations, et al.* v. *United States, et al.,* Court No. 19–00122, Slip Op. 20–167 (CIT 2020), dated February 17, 2021.

[14] *See Committee Overseeing Action for Lumber International Trade Investigations or Negotiations, et al.* v. *United States, et al.,* Court No. 19–00122, Slip Op. 21–104 (CIT 2021). Although the CIT vacated 19 CFR 351.214(k), it explained that because ''notice and comment procedure is not required whe{n} a court vacates a rule after making a finding on the merits,'' the CIT declined to order Commerce to formally repeal 19 CFR 351.214(k). *Id.* at fn. 28 (citing *Nat'l Parks Cons. Ass'n* v. *Salazar,* 660 F. Supp. 2d 3, 5 (D.D.C. 2009) (citing *Cement Kiln Recycling Coal.* v. *EPA,* 255 F.3d 855, 872 (D.C. Cir. 2001))).

[15] *See CVD Order,* 83 FR at 349.

[16] *See Timken Co.* v. *United States,* 893 F.2d 337 (Fed. Cir. 1990) (*Timken*).

[17] See *Diamond Sawblades Manufacturers Coalition* v. United States, 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).

Producer/exporter	Subsidy rate (percent ad valorem)
Produits Matra Inc. and Sechoirs de Beauce Inc. and its cross-owned affiliate [25]	7.42

Cash Deposit Requirements

Commerce will issue revised cash deposit instructions to U.S. Customs and Border Protection (CBP).

Liquidation of Suspended Entries

At this time, Commerce remains enjoined by CIT order from liquidating entries of subject merchandise subject to the *Final Results of Expedited Review* that were produced and/or exported by Fontaine and that were entered into the United States, or withdrawn from warehouse, for consumption during the period April 28, 2017, through December 31, 2018. These entries will remain enjoined pursuant to the terms of the injunction during the pendency of any appeals process. In the event the CIT's ruling is not appealed, or, if appealed, upheld by a final and conclusive court decision, Commerce intends to instruct CBP to assess countervailing duties on unliquidated entries of subject merchandise exported by Fontaine and that were entered into the United States, or withdrawn from warehouse, for consumption during the period April 28, 2017, through December 31, 2018.

Furthermore, Commerce's final results of administrative review of the *CVD Order* for the period April 28, 2017, through December 31, 2018 are currently the subject of a United States Mexico Canada Agreement (USMCA) Binational Panel Review (USMCA Secretariat File No.: USA–CDA–2020–10.12–01). Pursuant to that Panel Review, Commerce will continue to suspend liquidation of all entries of subject merchandise produced and/or exported by the companies subject to the first administrative review pending final disposition of the Binational Panel proceeding. Because Produits Matra was subject to the first administrative review, Commerce will continue to suspend liquidation of entries of subject merchandise produced and/or exported by Produits Matra (and its cross-owned affiliate) that were entered, or withdrawn from warehouse, for the period April 28, 2017, through December 31, 2018, pending final disposition of the USMCA Binational Panel proceeding.

Notification to Interested Parties

This notice is issued and published in accordance with sections 516A(c) and (e) and 777(i)(1) of the Act.

Dated: August 24, 2021.

Ryan Majerus,

Deputy Assistant Secretary for Policy and Negotiations.

[FR Doc. 2021–18596 Filed 8–27–21; 8:45 am]

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[18] Commerce finds the following companies to be cross-owned with Les Produits Forestiers D&G Ltée: Le Groupe Gesco-Star Ltee, Les Produits Forestiers Portbec Ltee, and Les Produits Forestiers Startrees Ltee. The subsidy rate assigned to these companies is the all-others rate from the investigation. *See CVD Order.*

[19] Commerce finds the following companies to be cross-owned with Marcel Lauzon Inc.: Placements Marcel Lauzon Ltee and Investissements LRC Inc. The subsidy rate assigned to these companies is the all-others rate from the investigation. *See CVD Order.*

[20] Commerce finds the following companies to be cross-owned with North American Forest Products Ltd.: Parent-Violette Gestion Ltee and Le Groupe Parent Ltee. The subsidy rate assigned to these companies is the all-others rate from the investigation. *See CVD Order.*

[21] Commerce finds the following companies to be cross-owned with Roland Boulanger & Cie Ltee: Industries Daveluyville Inc. and Les Manufacturiers Warwick Ltee. The subsidy rate assigned to these companies is the all-others rate from the investigation. *See CVD Order.*

[22] Commerce finds the following companies to be cross-owned with Scierie Alexandre Lemay & Fils Inc.: Bois Lemay Inc. and Industrie Lemay Inc. The subsidy rate assigned to these companies is the all-others rate from the investigation. *See CVD Order.*

[23] Commerce finds the following companies to be cross-owned with Fontaine Inc.: Gestion Natanis Inc., Les Placements Jean-Paul Fontaine Ltee, and Placements Nicolas Fontaine Inc. The subsidy rate assigned to these companies is the all-others rate from the investigation. *See CVD Order.*

[24] Commerce finds the following companies to be cross-owned with Mobilier Rustique (Beauce) Inc.: J.F.S.R. Inc., Gestion C.A. Rancourt Inc., Gestion J.F. Rancourt Inc., Gestion Suzie Rancourt Inc., Gestion P.H.Q. Inc., 9331–3419 Quebec Inc., 9331–3468 Quebec Inc., and SPQ Inc. The subsidy rate assigned to these companies is the all-others rate from the investigation. *See CVD Order.*

[25] Commerce finds the following company to be cross-owned with Produits Matra Inc. and Sechoirs de Beauce Inc.: Bois Ouvre de Beauceville (1992), Inc. The subsidy rate assigned to these companies is the non-selected rate from the first administrative review of the order. *See Certain Softwood Lumber Products from Canada: Final Results of the Countervailing Duty Administrative Review, 2017–2018,* 85 FR 77163 (December 1, 2020).

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–138]

Pentafluoroethane (R–125) From the People's Republic of China: Amended Preliminary Countervailing Duty Determination

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) is amending the scope of the countervailing duty (CVD) investigation of pentafluoroethane (R–125) from the People's Republic of China (China) to conform with the scope published in the preliminary determination of the companion antidumping duty (AD) investigation of R–125 from China. The period of investigation is January 1, 2020, through December 31, 2020.

DATES: Applicable August 30, 2021.

FOR FURTHER INFORMATION CONTACT: Joshua Tucker or Adam Simons, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–2044 or (202) 482–6172, respectively.

SUPPLEMENTARY INFORMATION:

Background

Commerce published its *CVD Preliminary Determination* on June 25, 2021.[1]

On August 17, 2021, Commerce published the *AD Preliminary Determination* within which the scope of the investigations was amended to exclude certain products, and to clarify the inclusion of certain products, based upon comments received from interested parties.[2]

[1] *See Pentafluoroethane (R–125) from the People's Republic of China: Preliminary Affirmative Countervailing Duty Determination and Alignment of Final Determination With Final Antidumping Duty Determination,* 86 FR 33648 (June 25, 2021) (*CVD Preliminary Determination*).

[2] *See Pentafluoroethane (R–125) from the People's Republic of China: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Preliminary Affirmative Determination of Critical Circumstances, in Part, Postponement of Final Determination, and Extension of Provisional Measures,* 86 FR 45959 (August 17, 2021) (*AD*

Amended Scope of the Investigation

The product covered by this investigation is R–125 from China. We are amending the scope of the CVD investigation to conform with the scope of the companion AD investigation, as indicated below. Specifically, we are preliminarily:

- Excluding R–125 contained in blends that conform to American National Standards Institute (ANSI)/ American Society of Heating, Refrigeration, and Air-Conditioning Engineers (ASHRAE) Standard 34.
- only covering R–125 contained in blends not conforming to ANSI/ ASHRAE Standard 34 (*i.e.,* unfinished blends) when such blends contain greater than 85 percent by volume on an actual percentage basis of R–125.
- removing the word ''current'' from the exclusion of merchandise subject to the order on *Hydrofluorocarbon Blends from the People's Republic of China.*
- clarifying that the scope includes purified and unpurified R–125 that is processed in a third country as long as such processing would not otherwise remove the R–125 from the scope of the investigation if performed in China.
- updating the applicable list of Harmonized Tariff Schedule of the United States (HTSUS) codes for the merchandise subject to the investigation due to an update to the HTSUS that occurred on July 1, 2021.

These preliminary scope modifications were first enumerated in the *AD Preliminary Determination.*[3] For a complete description of the amended scope of this investigation, see the appendix to this notice.

Suspension of Liquidation

We have not revised the estimated cash deposit rates published in the *CVD Preliminary Determination.* In accordance with section 703(d)(1)(B) and (d)(2) of the Tariff Act of 1930, as amended (the Act), we will direct U.S. Customs and Border Protection (CBP) to continue to suspend liquidation of entries of subject merchandise as described in the amended scope of the investigation, entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register,** and to continue to require a cash deposit, pursuant to 19 CFR 351.205(d). Additionally, because certain products are now excluded from the scope of the investigation, Commerce will instruct CBP to terminate suspension of liquidation of those excluded products, and to refund any cash deposits previously posted with respect to them.

Public Comment

Commerce has set a separate deadline for scope comments in the AD and CVD R–125 investigation proceedings.[4] The current deadline for case briefs regarding scope issues is 21 days after the publication of the *AD Preliminary Determination,* which is September 7, 2021, and the deadline for rebuttal briefs regarding scope issues is seven days after scope case briefs are due, which is September 14, 2021.[5] Pursuant to 19 CFR 351.309(c)(2) and (d)(2), parties who submit scope case briefs or scope rebuttal briefs in this investigation are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities. For all scope issues, parties must file separate and identical documents on the records of both the AD and CVD investigations. No new factual information or proprietary information should be included in the scope case briefs and scope rebuttal briefs.

Notifications

In accordance with section 703(f) of the Act, Commerce will notify the International Trade Commission of its amended determination. This determination is issued and published pursuant to sections 703(f) and 777(i) of the Act and 19 CFR 351.205(c).

Dated: August 24, 2021.

Christian Marsh,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix—Scope of the Investigation

The merchandise covered by this investigation is pentafluoroethane (R–125), or its chemical equivalent, regardless of form, type or purity level. R–125 has the Chemical Abstracts Service (CAS) registry number of 354–33–6 and the chemical formula C2HF5. R–125 is also referred to as Pentafluoroethane, Genetron HFC 125, Khladon 125, Suva 125, Freon 125, and Fc–125.

R–125 that has been blended with other products is included within the scope if such blends contain 85% or more by volume R–125, on an actual percentage basis. However, R–125 incorporated into a blend that conforms to ANSI/ASHRAE Standard 34 is excluded from the scope of this investigation. When R–125 is blended with other products and otherwise falls under the scope of this investigation, only the R–125 component of the mixture is covered by the scope of this investigation.

Subject merchandise also includes purified and unpurified R–125 that is processed in a third country or otherwise outside the customs territory of the United States, including, but not limited to, purifying, blending, or any other processing that would not otherwise remove the merchandise from the scope of this investigation if performed in the country of manufacture of the in-scope R–125. The scope also includes R–125 that is commingled with R–125 from sources not subject to this investigation. Only the subject component of such commingled products is covered by the scope of this investigation.

Excluded from the scope is merchandise covered by the scope of the antidumping order on *Hydrofluorocarbon Blends from the People's Republic of China,* including merchandise subject to the affirmative anti-circumvention determination in *Hydrofluorocarbon Blends from the People's Republic of China: Affirmative Final Determination of Circumvention of the Antidumping Duty Order; Unfinished R–32/ R–125 Blends,* 85 FR 15428 (March 18, 2020). *See Hydrofluorocarbon Blends from the People's Republic of China: Antidumping Duty Order,* 81 FR 55436 (August 19, 2016) (the Blends Order).

R–125 is classified under Harmonized Tariff Schedule of the United States (HTSUS) subheading 2903.39.2035 and 2903.39.2938. Merchandise subject to the scope may also be entered under HTSUS subheadings 2903.39.2045, 3824.78.0020, and 3824.78.0050. The HTSUS subheadings and CAS registry number are provided for convenience and customs purposes. The written description of the scope of the investigation is dispositive.

[FR Doc. 2021–18597 Filed 8–27–21; 8:45 am]

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Preliminary Determination), and accompanying Issues and Decision Memorandum at 5–6; *see also* Memorandum, ''Antidumping and Countervailing Duty Investigations of Pentafluoroethane (R–125) from the People's Republic of China: Preliminary Scope Decision Memorandum,'' dated August 10, 2021, which was placed on the records of the AD and CVD investigations.

[3] *See AD Preliminary Determination,* 86 FR at 45962.

[4] *Id.*

[5] *See Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19; Extension of Effective Period,* 85 FR 41363 (July 10, 2020).

DEPARTMENT OF COMMERCE

International Trade Administration

Request for Comments on U.S. Clean Technologies Export Competitiveness Strategy

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Request for public comments.

SUMMARY: Recognizing the vital importance of clean technologies in tackling the global climate crisis and spurring U.S. innovation and creating well-paying jobs, the Department of Commerce (DOC), in partnership with the Office of the Special Presidential Envoy for Climate (SPEC), has made it a top priority to encourage growth and ensure U.S. innovation and competitiveness in clean technologies

sectors. To that end, via this general solicitation, the International Trade Administration (ITA) is requesting public comments on clean technologies export competitiveness. This stakeholder input will inform the Department's effort to develop a ''U.S. Clean Technologies Export Competitiveness Strategy'', which intends to identify key issues influencing the deployment of these goods and services, highlight potential opportunities and challenges, and identify possible actions for the DOC and federal government to take in order to foster U.S. export competitiveness in clean technologies sectors.

DATES: Comments will be considered on a rolling basis but are due no later than 5 p.m. Eastern Time on October 1, 2021.

ADDRESSES: You may submit comments, identified by ITA–2021–0005, by either of the following methods:

- *Online Submission (Strongly Preferred):* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *https://www.regulations.gov* and enter ITA–2021–0005 in the Search box. Click on the ''Comment'' icon, complete the required fields, and enter or attach your comments.
- *Email: cleantech@trade.gov*. Comments submitted by email should be machine-readable and should not be copy-protected.

Due to COVID–19 building closures, we are currently temporarily not accepting comments by mail. However, if you are unable to comment via *regulations.gov*, you may contact *cleantech@trade.gov* for instructions on submitting your comment.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by ITA. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change.

Commenters should include the name of the person or organization filing the comment. All personal identifying information (for example, name, address) voluntarily submitted by the commenter may be publicly accessible. ITA will not accept anonymous comments.

For those seeking to submit confidential business information (CBI) for Government use only, please clearly mark such submissions as CBI and submit an accompanying redacted version to be made public. CBI comments can be submitted either through *www.regulations.gov* (strongly preferred) or by email.

FOR FURTHER INFORMATION CONTACT: Devin Horne, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Room 28018, Washington, DC 20230; telephone (202) 482–0775; email *cleantech@trade.gov*. Please direct media inquiries to ITA's Office of Public Affairs (202) 482–3809 or *publicaffairs@trade.gov.*

SUPPLEMENTARY INFORMATION:

Background: On January 27, 2021, President Biden issued Executive Order 14008, ''Tackling the Climate Crisis at Home and Abroad'' (FRN Doc. 2021–02177) (E.O. 14008). E.O. 14008 puts climate considerations at the forefront of United States foreign policy and national security. The E.O. also directs agencies that engage in extensive international work to develop strategies and implementation plans for integrating climate considerations into their international work. ITA intends to integrate such considerations into its export promotion work. President Biden's Build Back Better economic recovery plan seeks to mobilize American manufacturing and innovation to ensure that the future is made in all of America by all of America's workers. By mobilizing American ingenuity to innovate and develop clean technologies products and services that can be deployed at home and exported abroad, we can ensure a just transition while mobilizing a 21st century education workforce and advancing racial equity and inclusion in America.

Scope: Clean technologies is a broad term that can encompass a range of technologies used to address a variety of environmental issues. For the purpose of this request for public comment, ITA is focused on both established and emerging technologies, and their associated goods and services, that can contribute to a transition to net-zero emissions by significantly removing or reducing the greenhouse gas (GHG) emissions in a specific application compared to existing, carbon-intensive technology in the same application. This notice serves as a general solicitation for public comment and as an initial step in improving ITA's understanding of the current technological and policy landscape.

These technologies can be organized by their ability to reduce GHG emissions in broad economic sectors identified by the United Nations Intergovernmental Panel on Climate Change as major contributors to global GHG emissions, including:

(1) Electricity and heat production (25 percent of global direct GHG emissions)
(2) Agriculture, forestry, and other land use (24 percent of global direct GHG emissions)
(3) Industry (21 percent of global direct GHG emissions)
(4) Transportation (14 percent of global direct GHG emissions)
(5) Other energy emissions not directly associated with electricity or heat production, such as fuel extraction, refining, processing, and transportation (9.6 percent of global direct GHG emissions)
(6) Buildings (6.4 percent of global direct GHG emissions)

Illustrative examples of clean technologies include but are not limited to: Power generation from civil nuclear renewable energy sources; electric vehicles and renewable fuels for road, aviation, rail, maritime shipping, or other transportation; agribusiness, including anaerobic digesters and zero-emission agricultural equipment; smart grid solutions; energy storage; hydrogen fuel cells; carbon capture, utilization, and sequestration; decarbonization technologies for energy production; low-carbon solutions for heavy industry, such as cement and steel production; energy efficient advanced manufacturing techniques; and low-carbon and energy efficient building materials.

For the purpose of this request for public comment, competitiveness entails the capacity to produce and deploy affordable, reliable, and accessible clean technologies and compete in global markets, with the overall aim of accelerating global private sector capabilities to fight the effects of climate change while also bringing benefits to the U.S. economy and people.

Request for Written Comments

Instructions: This notice serves as an initial step in improving ITA's understanding of private sector interests, concerns, and policy needs with respect to the potential for exports of clean technologies. This notice is a general solicitation for public comments and further sets forth topics for discussion and comment. ITA seeks broad input from all interested stakeholders—including U.S. industry, researchers, academia, and civil society—on the potential opportunities for and challenges to increasing U.S. clean technologies export competitiveness across multiple industry sectors. Commenters are encouraged to address any or all of the following questions and may respond in

terms of clean technologies broadly, or in terms of specific technologies therein. To the extent commenters choose to respond to the specific questions asked, responses may be formatted as the commenter prefers.

Questions

Scope

1. Is there an established methodology for designating particular technologies as clean technologies or additional factors that the Government should consider for purposes of scoping this strategy?
2. What clean technologies offer the most significant immediate opportunities for U.S. exports of associated goods and services?
3. What clean technologies do not currently offer significant immediate opportunities for U.S. exports of associated goods and services but may offer such opportunities within the next five to ten years?
4. What types of services offer the most significant immediate or future opportunities for U.S. clean technologies exports? How do the needs of clean technologies services exporters differ from exporters of manufactured products?

Challenges

5. For sectors or technologies in which the United States currently has a competitive domestic industry, what are the main factors (*i.e.,* economic, technical, regulatory, etc.) that could pose a significant risk to the U.S. industry's competitive position?
6. For sectors or technologies in which the United States does not currently have a competitive domestic industry, what are the main factors (*i.e.,* economic, technical, regulatory, etc.) inhibiting U.S. industry competitiveness?
7. What issues related to intellectual property, standards, or measurement science pose a challenge to U.S. clean technologies export competitiveness?
8. When pursuing opportunities in foreign markets, what are the main risks or barriers (*i.e.,* economic, financial, regulatory, technical, trade policy, etc.) facing U.S. businesses seeking to export clean technologies goods and services, whether generally or in specific foreign markets?

Solutions

9. What are the most impactful existing tools or resources offered by the Government to reduce or remove challenges, risks, and barriers in order to help position U.S. clean technologies industries for competitiveness in the global market?
10. How can existing tools or resources offered by the Government to reduce or remove challenges, risks, and barriers be improved to increase their effectiveness or make them more accessible to U.S. clean technologies companies?
11. What are the most impactful new actions the Government could take domestically to reduce or remove challenges, risks, and barriers in order to help position U.S. clean technologies industries for competitiveness in the global market?
12. What are the most impactful new actions the Government could take through engagement with foreign countries to reduce or remove challenges, risks, and barriers in order to help position U.S. clean technologies industries for competitiveness in the global market?
13. Which foreign countries or regions present the greatest market opportunities for U.S. exports of clean technologies and/or should be prioritized for engagement by the Government?
14. What objectives should the Government set for a U.S. Clean Technologies Export Competitiveness Strategy in the first 6-months, 12-months, 2-years, and 5-years, and what metrics should the Government use to measure these objectives?

Trade Policy

15. How do U.S. trade policies impact the development and deployment of clean technologies in the United States and abroad?

Other

16. Are there additional relevant issues impacting U.S. clean technologies export competitiveness not addressed by these questions, and what are the most impactful actions the Government could take to address these issues?

Dated: August 25, 2021.

Man Cho,

Deputy Director, Office of Energy and Environmental Industries.

[FR Doc. 2021–18637 Filed 8–27–21; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–583–863]

Forged Steel Fittings From Taiwan: Preliminary Results of Antidumping Duty Administrative Review; 2019–2020

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) preliminarily determines that sales of forged steel fittings from Taiwan were made at less than normal value (NV) during the period of review (POR), September 1, 2019, through August 31, 2020. Interested parties are invited to comment on these preliminary results.

DATES: Applicable August 30, 2021.

FOR FURTHER INFORMATION CONTACT: George Ayache or Samuel Glickstein, AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–2623 or (202) 482–5307, respectively.

SUPPLEMENTARY INFORMATION:

Background

On September 24, 2018, Commerce published the antidumping duty order on forged steel fittings from Taiwan.[1] On October 30, 2020, in accordance with 19 CFR 351.221(c)(1)(i), Commerce initiated an administrative review of the *Order*.[2] This review covers one producer/exporter of the subject merchandise, Both-Well Steel Fittings Co., Ltd (Bothwell). On April 22, 2021, Commerce extended the deadline for the preliminary results of this review by 86 days, until August 27, 2021, in accordance with section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Act).[3] For a detailed description of the events that followed the initiation of this review, *see* the Preliminary Decision Memorandum.[4]

[1] *See Forged Steel Fittings from Taiwan: Antidumping Duty Order,* 83 FR 48280 (September 24, 2018) (*Order*).

[2] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 85 FR 68840 (October 30, 2020).

[3] *See* Memorandum, ''Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review,'' dated April 22, 2021.

[4] *See* Memorandum, ''Decision Memorandum for the Preliminary Results of Antidumping Duty Administrative Review: Forged Steel Fittings from Taiwan; 2019–2020,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

Scope of the Order

The products covered by the scope of this *Order* are carbon and alloy forged steel fittings, whether unfinished (commonly known as blanks or rough forgings) or finished. Such fittings are made in a variety of shapes including, but not limited to, elbows, tees, crosses, laterals, couplings, reducers, caps, plugs, bushings, unions, and outlets. Forged steel fittings are covered regardless of end finish, whether threaded, socket-weld or other end connections. The subject merchandise is currently classifiable under item numbers 7307.99.1000, 7307.99.3000, 7307.99.5045, and 7307.99.5060 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise is dispositive.[5]

Methodology

Commerce is conducting this review in accordance with section 751(a) of the Act. Export price is calculated in accordance with section 772 of the Act. NV is calculated in accordance with section 773 of the Act.

For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov.* In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/.* A list of the topics discussed in the Preliminary Decision Memorandum is attached as an appendix to this notice.

Preliminary Results of the Review

As a result of this review, we preliminarily determine that the following weighted-average dumping margin exists for Bothwell for the period September 1, 2019, through August 31, 2020:

Exporter/producer	Weighted-average dumping margin (percent)
Both-Well Steel Fittings Co., Ltd	5.57

[5] For a complete description of the scope of the *Order, see* the Preliminary Decision Memorandum.

Disclosure and Public Comment

Commerce intends to disclose the calculations performed in connection with these preliminary results to interested parties within five days after the date of publication of this notice in accordance with 19 CFR 351.224(b). Interested parties may submit case briefs no later than 30 days after the date of publication of this notice.[6] Rebuttal briefs, limited to issues raised in the case briefs, may be filed no later than seven days after the date for filing case briefs.[7] Pursuant to 19 CFR 351.309(c)(2) and (d)(2), parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities. Case and rebuttal briefs should be filed using ACCESS and must be served on interested parties.[8] Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information, until further notice.[9]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, filed electronically via ACCESS. An electronically filed document must be received successfully in its entirety by ACCESS by 5 p.m. Eastern Standard Time within 30 days after the date of publication of this notice.[10] Hearing requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Issues raised in the hearing will be limited to those raised in the respective case and rebuttal briefs. If a request for a hearing is made, Commerce intends to hold the hearing at a date and time to be determined.[11] Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

Commerce intends to issue the final results of this administrative review, including the results of its analysis of issues raised in any written briefs, no later than 120 days after the date of publication of this notice, unless otherwise extended.[12]

[6] *See* 19 CFR 351.309(c)(1)(ii).

[7] *See* 19 CFR 351.309(d); *Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19,* 85 FR 17006, 17007 (March 26, 2020).

[8] *See* 19 CFR 351.303.

[9] *See Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19; Extension of Effective Period,* 85 FR 41363 (July 10, 2020).

[10] *See* 19 CFR 351.310(c).

[11] *See* 19 CFR 351.310(d).

Assessment Rates

Pursuant to section 751(a)(2)(A) of the Act and 19 CFR 351.212(b)(1), Commerce will determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review. Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this administrative review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.,* within 90 days of publication).

For any individually examined respondent whose weighted-average dumping margin is above *de minimis* (*i.e.,* 0.50 percent), upon completion of the final results, Commerce will calculate importer-specific assessment rates on the basis of the ratio of the total amount of dumping calculated for the importer's examined sales and the total entered value of sales. Where we do not have entered values for all U.S. sales to a particular importer/customer, we will calculate a per-unit assessment rate by aggregating the antidumping duties due for all U.S. sales to that importer (or customer) and dividing this amount by the total quantity sold to that importer (or customer).[13] To determine whether the duty assessment rates are *de minimis,* in accordance with the requirement set forth in 19 CFR 351.106(c)(2), we calculate importer- (or customer-) specific *ad valorem* ratios based on the estimated entered value. Where either a respondent's weighted-average dumping margin is zero or *de minimis,* or an importer- (or customer-) specific *ad valorem* rate is zero or *de minimis,* we will instruct CBP to liquidate appropriate entries without regard to antidumping duties.[14]

For entries of subject merchandise during the POR produced by each individually examined respondent for which it did not know its merchandise was destined for the United States, we

[12] *See* section 751(a)(3)(A) of the Act; and 19 CFR 351.213(h).

[13] *See* 19 CFR 351.212(b)(1).

[14] *See* 19 CFR 352.106(c)(2); *see also Antidumping Proceeding: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings; Final Modification,* 77 FR 8101, 8103 (February 14, 2012).

will instruct CBP to liquidate such entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction. The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of this review and for future deposits of estimated duties, where applicable.[15]

Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for Bothwell will be equal to the weighted-average dumping margin established in the final results of this review, except if the rate is less than 0.50 percent, and therefore, *de minimis* within the meaning of 19 CFR 351.106(c)(1), in which case the cash deposit rate will be zero; (2) for merchandise exported by producers or exporters not covered in this review but covered in a prior segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recently-completed segment of this proceeding in which they were reviewed; (3) if the exporter is not a firm covered in this review or the less-than-fair-value (LTFV) investigation but the producer is, then the cash deposit rate will be the rate established for the most recently-completed segment of this proceeding for the producer of the merchandise; and (4) the cash deposit rate for all other producers or exporters will continue to be 116.17 percent, the all-others rate established in the LTFV investigation.[16] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

[15] *See* section 751(a)(2)(C) of the Act.

[16] *See Order,* 83 FR at 48281.

Notification to Interested Parties

These preliminary results are being issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(4).

Dated: August 24, 2021.

Christian Marsh,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Scope of the Order
IV. Discussion of the Methodology
V. Currency Conversion
VI. Recommendation

[FR Doc. 2021–18594 Filed 8–27–21; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Board of Overseers of the Malcolm Baldrige National Quality Award

AGENCY: National Institute of Standards and Technology, Department of Commerce.

ACTION: Notice of open meeting.

SUMMARY: The Board of Overseers of the Malcolm Baldrige National Quality Award (Board) will meet in open session on Thursday, December 9, 2021. The purpose of this meeting is to review and discuss the work of the private sector contractor, which assists the Director of the National Institute of Standards and Technology (NIST) in administering the Malcolm Baldrige National Quality Award (Award), and information received from NIST and from the Chair of the Judges Panel of the Malcolm Baldrige National Quality Award in order to make such suggestions for the improvement of the Award process as the Board deems necessary. Details on the agenda are noted in the **SUPPLEMENTARY INFORMATION** section of this notice.

DATES: The meeting will be held on Thursday, December 9, 2021, from 11:00 a.m. Eastern time until 4:00 p.m. Eastern time. The meeting will be open to the public.

ADDRESSES: The meeting will be held virtually using Microsoft Teams. Please note admittance instructions under the **SUPPLEMENTARY INFORMATION** section of this notice.

FOR FURTHER INFORMATION CONTACT: Robert Fangmeyer, Director, Baldrige Performance Excellence Program, National Institute of Standards and Technology, 100 Bureau Drive, Mail Stop 1020, Gaithersburg, Maryland 20899–1020, telephone number (301) 975–2361, or by email at *robert.fangmeyer@nist.gov.*

SUPPLEMENTARY INFORMATION:

Authority: 15 U.S.C. 3711a(d)(2)(B) and the Federal Advisory Committee Act, as amended, 5 U.S.C. app.

Pursuant to the Federal Advisory Committee Act, as amended, 5 U.S.C. app., notice is hereby given that the Board will meet in open session on Thursday, December 9, 2020, from 11:00 a.m. Eastern time until 4:00 p.m. Eastern time. The Board is currently composed of eleven members selected for their preeminence in the field of organizational performance excellence and appointed by the Secretary of Commerce. The Board consists of a balanced representation from U.S. service, manufacturing, small business, nonprofit, education, and health care industries. The Board includes members familiar with the quality, performance improvement operations, and competitiveness issues of manufacturing companies, service companies, small businesses, nonprofits, health care providers, and educational institutions. The purpose of this meeting is to review and discuss the work of the private sector contractor, which assists the NIST Director in administering the Award, and information received from NIST and from the Chair of the Judges Panel of the Malcolm Baldrige National Quality Award in order to make such suggestions for the improvement of the Award process as the Board deems necessary. The Board shall make an annual report on the results of Award activities to the Director of NIST, along with its recommendations for the improvement of the Award process. The agenda will include: Report from the Judges Panel of the Malcolm Baldrige National Quality Award, Baldrige Program Business Plan Status Report, Baldrige Foundation Fundraising Update, Products and Services Update, and Recommendations for the NIST Director. The agenda may change to accommodate Board business. The final agenda will be posted on the NIST Baldrige Performance Excellence website at *http://www.nist.gov/baldrige/community/overseers.cfm.* The meeting will be open to the public.

Individuals and representatives of organizations who would like to offer comments and suggestions related to the Board's affairs are invited to request a place on the agenda. On December 9, 2021, approximately one-half hour will be reserved in the afternoon for public

comments and speaking times will be assigned on a first-come, first-served basis. The amount of time per speaker will be determined by the number of requests received, but is likely to be about 3 minutes each. The exact time for public comments will be included in the final agenda that will be posted on the Baldrige website at *http://www.nist.gov/baldrige/community/overseers.cfm.* Questions from the public will not be considered during this period. Speakers who wish to expand upon their oral statements, those who had wished to speak, but could not be accommodated on the agenda, and those who were unable to attend are invited to submit written statements to the Baldrige Performance Excellence Program, NIST, 100 Bureau Drive, Mail Stop 1020, Gaithersburg, Maryland, 20899–1020, via fax at 301–975–4967 or electronically by email to *robyn.verner@nist.gov.*

All participants will be attending via webinar. Please contact Ms. Verner by email at *robyn.verner@nist.gov* for detailed instructions on how to join the webinar. All requests must be received by 12/06/2021.

Alicia Chambers,

NIST Executive Secretariat.

[FR Doc. 2021–18644 Filed 8–27–21; 8:45 am]

BILLING CODE 3510–13–P

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Application Package for LMS Pre and Post Questions

AGENCY: The Corporation for National and Community Service.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Corporation for National and Community Service (operating as AmeriCorps) is proposing to renew an information collection.

DATES: Written comments must be submitted to the individual and office listed in the **ADDRESSES** section by October 29, 2021.

ADDRESSES: You may submit comments, identified by the title of the information collection activity, by any of the following methods:

(1) *By mail sent to:* AmeriCorps, Attention Andrea Robles, 250 E Street SW, Washington, DC, 20525.

(2) By hand delivery or by courier to the AmeriCorps mailroom at the mail address given in paragraph (1) above, between 9:00 a.m. and 4:00 p.m. Eastern Time, Monday through Friday, except federal holidays.

(3) Electronically through *www.regulations.gov.*

Comments submitted in response to this notice may be made available to the public through *regulations.gov.* For this reason, please do not include in your comments information of a confidential nature, such as sensitive personal information or proprietary information. If you send an email comment, your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the internet. Please note that responses to this public comment request containing any routine notice about the confidentiality of the communication will be treated as public comment that may be made available to the public, notwithstanding the inclusion of the routine notice.

FOR FURTHER INFORMATION CONTACT: Andrea Robles, 202–510–6292, or by email at: *arobles@cns.gov.*

SUPPLEMENTARY INFORMATION:

Title of Collection: LMS Pre and Post Test Questions.

OMB Control Number: 3045–0188.

Type of Review: Renewal.

Respondents/Affected Public: Individuals.

Total Estimated Number of Annual Responses: 500.

Total Estimated Number of Annual Burden Hours: 83.

Abstract: The purpose of these questions is to evaluate a person's knowledge of online evaluation courses by asking pre and post questions (before taking the course and after taking the course). AmeriCorps also seeks to continue using the currently approved information collection until the revised information collection is approved by OMB. The currently approved information collection is due to expire on 10/31/21.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information. All written comments will be available for public inspection on *regulations.gov*.

Dated: August 25, 2021.

Mary Hyde,

Director, Research and Evaluation.

[FR Doc. 2021–18653 Filed 8–27–21; 8:45 am]

BILLING CODE 6050–28–P

DEPARTMENT OF DEFENSE

Department of the Air Force

Notice of Intent To Grant an Exclusive Patent License With a Joint Ownership Agreement

AGENCY: Department of the Air Force, Department of Defense.

ACTION: Notice of intent.

SUMMARY: Pursuant to the Bayh-Dole Act and implementing regulations, the Department of the Air Force hereby gives notice of its intent to grant an exclusive patent license with a joint ownership agreement to co-owner, Board of Regents of The University of Oklahoma, a non-profit, duly organized, validly existing, and in good standing in the State of Oklahoma, having a place of business at 660 Parrington Oval #119, Norman, OK 73019.

DATES: Written objections must be filed no later than fifteen (15) calendar days after the date of publication of this Notice.

ADDRESSES: Submit written objections to AFMCLO/JAZ, 2240 B Street, Wright-Patterson AFB, OH 45433; Facsimile: (937) 255–3733; or Email: *afmclo.jaz.pat@us.af.mil.* Include

Docket No. ARY–210728A–JA in the subject line of the message.

FOR FURTHER INFORMATION CONTACT: Technology Transfer Manager, Jason Sopko, AFRL/RYO, 2241 Avionics Circle, Bldg. 600, Wright-Patterson AFB, OH 45433; Telephone: (312) 713–4494; Email: *jason.sopko.2@us.af.mil.*

SUPPLEMENTARY INFORMATION: The Department of the Air Force intends to grant the exclusive patent license agreement with joint ownership described in:

—U.S. Application Serial No. 16/868,975, entitled *Waveform Stitching in Frequency-Stepped Systems* and issued 7 May 2020.

—U.S. Application Serial No. 16/869,016, entitled *RF Network configuration for tracking and monitoring phase offsets to enable phase and timing synchronization of distributed radar platforms* and issued 7 May 2020.

The Department of the Air Force may grant the prospective license unless a timely objection is received that sufficiently shows the grant of the license would be inconsistent with the Bayh-Dole Act or implementing regulations. A competing application for a patent license agreement, completed in compliance with 37 CFR 404.8 and received by the Air Force within the period for timely objections, will be treated as an objection and may be considered as an alternative to the proposed license.

Adriane Paris,

Acting Air Force Federal Register Liaison Officer.

[FR Doc. 2021–18631 Filed 8–27–21; 8:45 am]

BILLING CODE 5001–10–P

DEPARTMENT OF DEFENSE

Department of the Air Force

[Docket ID: USAF–2021–HQ–0006]

Proposed Collection; Comment Request

AGENCY: Department of the Air Force, Department of Defense (DoD).

ACTION: Information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the Department of the Air Force announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by October 29, 2021.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.

Mail: DoD cannot receive written comments at this time due to the COVID–19 pandemic. Comments should be sent electronically to the docket listed above.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to The Judge Advocate General; Headquarters United States Air Force, 1420 Air Force Pentagon, Washington, DC 20330–1420, ATTN: Ms. Cheryl Williams, (240) 612–4700.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Web-based Legal Information Online System (WebLIONS); OMB Control Number 0701–0161.

Needs and Uses: The information collection requirement is necessary to obtain PII information to provide efficient and competent legal assistance to individuals with personal civil legal issues. Legal Assistance records assist Air Force attorneys with tracking and managing cases, performing conflict checks, and generating legal documents for clients. The system optimizes the use of information technology and streamlines the legal assistance process by eliminating manual case tracking requirements and physical storage requirements, as well as assisting the Air Force in compiling and analyzing statistical data related to providing legal assistance to clients.

Affected Public: Individuals or households.

Annual Burden Hours: 9,550 hours.

Number of Respondents: 191,000.

Responses per Respondent: 1.

Annual Responses: 191,000.

Average Burden per Response: 3 minutes.

Frequency: On occasion.

Dated: August 24, 2021.

Kayyonne T. Marston,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2021–18555 Filed 8–27–21; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID DoD–2021–OS–0095]

Proposed Collection; Comment Request

AGENCY: Office of the Under Secretary of Defense for Personnel and Readiness, Department of Defense (DoD).

ACTION: Information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the Office of the Under Secretary of Defense for Personnel and Readiness announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by October 29, 2021.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.

Mail: DoD cannot receive written comments at this time due to the COVID–19 pandemic. Comments should be sent electronically to the docket listed above.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal**

Register document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to Defense Human Resources Activity, 4800 Mark Center Drive, Suite 08F05, Alexandria, VA 22350, LaTarsha Yeargins, or call 571–392–2089.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Exceptional Family Member Program (EFMP) Family Needs Assessment; DD Form 3054; OMB Control Number 0704–0580.

Needs and Uses: Section 1781c of Title 10, U.S.C. requires the Office of Community Support for Military Families with Special Needs (OSN) to enhance and improve support for military families with special needs. In this effort, OSN and the four Services developed the DD Form 3054 Exceptional Family Member Program (EFMP) Family Needs Assessment (FNA) as standard documentation to guide assessment of needs, service planning and case transfer processes for the Family Support component of the EFMP. The EFMP FNA assists EFMP Family Support staff in identifying the needs of families and developing plans of action. The EFMP FNA addresses current differences in assessment processes and inconsistent transfer of cases across the Services. With this standardized form, installation-level EFMP Family Support Offices can provide a family support experience that is consistent across the Services and maintains continuity of services when military families with special needs have Permanent Change of Station (PCS) orders to a Same-Service or Sister-Service location. DD form 3054 is used by EFMP Family Support staff in collaboration with families who request assistance in navigating resources and systems of support. The Form documents a family's needs and provides a plan for them to gain access to support and resources in the community which meets those needs. The Family Services Plan Addendum provides a plan of action and a way to track the progress towards goals set by the family with the assistance of the EFMP Family Support staff.

Affected Public: Individuals or households.

Annual Burden Hours: 10,000 hours.

Number of Respondents: 20,000.

Responses per Respondent: 1.

Annual Responses: 20,000.

Average Burden per Response: 30 minutes.

Frequency: On occasion.

Dated: August 24, 2021.

Kayyonne T. Marston,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2021–18559 Filed 8–27–21; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID DoD–2021–OS–0093]

Proposed Collection; Comment Request

AGENCY: Office of Military Commissions, Department of Defense (DoD).

ACTION: Information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the Office of Military Commissions announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by October 29, 2021.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.

Mail: DoD cannot receive written comments at this time due to the COVID–19 pandemic. Comments should be sent electronically to the docket listed above.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Office of Military Commissions, Victim Witness Assistance Program, 1610 Defense Pentagon Room 3B652, Washington, DC 20301–1610. Attn: Karen Loftus, 703–695–7089.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Office of Military Commissions Victim and Witness Assistance Program Records, DGC 22, OMB Control Number 0704–VWAP.

Needs and Uses: The information collection is necessary to obtain the proper information for victims, victim family members (VFMs), and witnesses to travel to Guantanamo Bay, Cuba (GTMO) to view and support the GTMO trials. The information will also be used to obtain clearance for victims and VFMs to travel to military installations for the purpose of viewing Closed Circuit Television of the GTMO trials.

Affected Public: Individuals or households.

Annual Burden Hours: 17.

Number of Respondents: 100.

Responses per Respondent: 1.

Annual Responses: 100.

Average Burden per Response: .17 hours (10 minutes).

Frequency: As Required.

Information collected includes full name, Social Security Number (SSN), alien registration number, immigration certification number and petition number, mailing address, home telephone number(s) and email address(s), citizenship, passport information, driver's license number, gender, race/ethnicity, date of birth, place of birth, weight, height, hair color, eye color, security clearance information, name of the deceased or injured, relationship to the victim, case name, requests to view closed circuit television broadcasts of hearings, travel-related information (emergency point of contact information, physician's information), military status and grade, whether or not the person has been convicted of a felony, and statements for the court from family members on how their loss affected them.

Dated: August 24, 2021.

Kayyonne T. Marston,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2021–18557 Filed 8–27–21; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID DoD–2021–OS–0094]

Proposed Collection; Comment Request

AGENCY: Office of the Under Secretary of Defense for Personnel and Readiness, Department of Defense (DoD).

ACTION: Information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the Office of the Under Secretary of Defense for Personnel and Readiness announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by October 29, 2021.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.

Mail: DoD cannot receive written comments at this time due to the COVID–19 pandemic. Comments should be sent electronically to the docket listed above.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Office of the Under Secretary of Defense (Personnel and Readiness—Military Personnel Policy/Accession Policy), ATTN: Evelyn Dyer, 4000 Defense Pentagon, Washington, DC 20301–4000, or call 703–697–9272.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: DOD Educational Loan Repayment Program (LRP) Application; DD Form 2475; OMB Control Number 0704–0152.

Needs and Uses: The information collection requirement is necessary for Military Services to pay a portion of Service member student loan(s). The information provided is reviewed by Military Service personnel record custodians to verify that the Service member meets eligibility requirements. This form will then be forwarded to the lender the Service member identifies for verification of the loan amount and status. The form is returned to the Service finance office to make the annual payment to the Service member's lender. Collected information is covered by the Applicable Military Service System of Records Notice (SORN) for the Official Military Personnel File of Military Records Jacket.

Affected Public: Individuals or households.

Annual Burden Hours: 7,333 hours.

Number of Respondents: 44,000.

Responses per Respondent: 1.

Annual Responses: 44,000.

Average Burden per Response: 10 minutes.

Frequency: On occasion.

Dated: August 24, 2021.

Kayyonne T. Marston,

Alternate OSD Federal Register, Liaison Officer, Department of Defense.

[FR Doc. 2021–18558 Filed 8–27–21; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Navy

[Docket ID: USN–2021–HQ–0008]

Proposed Collection; Comment Request

AGENCY: The Department of the Navy, Department of Defense (DoD).

ACTION: Information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the Department of the Navy announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by October 29, 2021.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.

Mail: DoD cannot receive written comments at this time due to the COVID–19 pandemic. Comments should be sent electronically to the docket listed above.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to Office of the Department of the Navy Information Management Control Officer, 2000 Navy Pentagon, Rm. 4E563, Washington, DC 20350, Ms. Barbara Figueroa or call 703–614–7885.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Facilities Available for the Construction or Repair of Ships; Standard Form 17; OMB Control Number 0703–0006.

Needs and Uses: The information collection is part of a joint effort between the Naval Sea Systems Command (NAVSEA) and the U.S. Maritime Administration (MARAD), to maintain a working data set on active U.S. Shipyards. The information collected is critical in providing both

organizations with a comprehensive list of U.S. commercial shipyards and their capabilities and capacities.

Affected Public: Businesses or other for profit.

Annual Burden Hours: 800.

Number of Respondents: 200.

Responses per Respondent: 1.

Annual Responses: 200.

Average Burden per Response: 4 hours.

Frequency: Annually.

Dated: August 24, 2021.

Kayyonne T. Marston,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2021–18556 Filed 8–27–21; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2021–SCC–0094]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Health Education Assistance Loan (HEAL) Program: Forms

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 revision of a currently approved collection.

DATES: Interested persons are invited to submit comments on or before September 29, 2021.

ADDRESSES: Written comments and recommendations for proposed information collection requests should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this information collection request by selecting ''Department of Education'' under ''Currently Under Review,'' then check ''Only Show ICR for Public Comment'' checkbox. Comments may also be sent to *ICDocketmgr@ed.gov.*

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Beth Grebeldinger, 202–377–4018.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Health Education Assistance Loan (HEAL) Program: Forms.

OMB Control Number: 1845–0128.

Type of Review: A revision of a currently approved collection.

Respondents/Affected Public: Private Sector; Individuals and Households.

Total Estimated Number of Annual Responses: 21.

Total Estimated Number of Annual Burden Hours: 4.

Abstract: The HEAL form 504 is required for lenders to make applications to the HEAL insurance program, to report accurately and timely on loan actions, including transfer of loans to a secondary agent, and to establish the repayment status of borrowers who qualify for deferment of payments. The HEAL form 508 is required for HEAL borrowers to request deferment of payment of their loan under specific conditions. This collection is removing the datasets previously included in this collection due to the decrease in the number of users.

Dated: August 25, 2021.

Juliana Pearson,

PRA Coordinator, Strategic Collections and Clearance Governance and Strategy Division, Office of Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2021–18635 Filed 8–27–21; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No. ED–2021–SCC–0128]

Agency Information Collection Activities; Comment Request; Guaranty Agencies Security Self-Assessment and Attestation

AGENCY: Federal Student Aid (FSA), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing an extension without change of a currently approved collection.

DATES: Interested persons are invited to submit comments on or before October 29, 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–0128. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. If the *regulations.gov* site is not available to the public for any reason, ED will temporarily accept comments at *ICDocketMgr@ed.gov.* Please include the docket ID number and the title of the information collection request when requesting documents or submitting comments. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the PRA Coordinator of the Strategic Collections and Clearance Governance and Strategy Division, U.S. Department of Education, 400 Maryland Ave. SW, LBJ, Room 6W208C, Washington, DC 20202–8240.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact 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: Guaranty Agencies Security Self-assessment and Attestation.

OMB Control Number: 1845–0134.

Type of Review: Extension without change of a currently approved collection.

Respondents/Affected Public: Private Sector; State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 20.

Total Estimated Number of Annual Burden Hours: 6,320.

Abstract: This is a request for an extension of the approved information collection used by Federal Student Aid (FSA) to ensure that all data collected and managed by Guaranty Agencies (GAs) in support federal student financial aid programs is secure. FSA continues to use a formal assessment program that ensures the GAs have security protocols in place to protect the confidentiality and integrity of data entrusted to FSA by students and families. This assessment will identify security deficiencies based on the federal standards described in the National Institute of Standards and Technology publications.

Dated: August 24, 2021.

Juliana Pearson,

PRA Coordinator, Strategic Collections and Clearance, Governance and Strategy Division, Office of Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2021–18572 Filed 8–27–21; 8:45 am]

BILLING CODE 4000–01–P

ELECTION ASSISTANCE COMMISSION

Sunshine Act Meetings

AGENCY: U.S. Election Assistance Commission.

ACTION: Notice of public meeting agenda.

SUMMARY: U.S. Election Assistance Commission Meeting on Moving VVSG 2.0 Forward.

DATES: Wednesday, September 8th, 2021, 1:00 p.m.–3:30 p.m. Eastern.

ADDRESSES:

Virtual via Zoom:

The official meeting is open to the public and will be livestreamed on the U.S. Election Assistance Commission YouTube Channel:

https://www.youtube.com/channel/UCpN6i0g2rlF4ITWhwvBwwZw.

FOR FURTHER INFORMATION CONTACT: Kristen Muthig, Telephone: (202) 897–9285, Email: *kmuthig@eac.gov.*

SUPPLEMENTARY INFORMATION:

Purpose: In accordance with the Government in the Sunshine Act (Sunshine Act), Public Law 94–409, as amended (5 U.S.C. 552b), the U.S. Election Assistance Commission (EAC) will conduct an official meeting discuss various aspects of implementing the newly adopted Voluntary Voting System Guidelines (VVSG) version 2.0 as well as the VVSG Lifecycle Policy.

Agenda: The U.S. Election Assistance Commission (EAC) will meet with panels consisting of voting system manufacturers, voting system test labs (VSTLs), and representatives from the election administration community to discuss various aspects of the final stages of VVSG 2.0 implementation. This includes the state of developing voting system equipment for VVSG 2.0 compliance, preparation for testing against the new requirements, and the need for VVSG 2.0 compliant systems.

The EAC Commissioners will be requesting feedback from the panels on these topics. The EAC Testing and Certification Director will provide a brief update on the status of various aspects from the agency perspective.

Commissioners will also hear from members of the public who wish to offer verbal testimony on the VVSG 2.0 implementation. Public testimony during the hearing will be limited to five minutes maximum per person. If you would like to participate in public testimony, please contact Jon Panek (*jpanek@eac.gov*) with your full name, email address, and phone number no later than 5 p.m. Eastern Time on September 3, 2021.

The full agenda will be posted in advance on the EAC website: *https://www.eac.gov.*

Background: On February 10th, 2021 the EAC Commissioners unanimously voted to adopt VVSG 2.0. This vote represents the official approval of years of work by EAC staff in conjunction with the National Institute of Standards and Technology (NIST), the EAC's advisory boards, VVSG working groups, and input from the public on the content in the latest iteration of the VVSG.

The vote to adopt the new requirements does not mean there are new voting systems ready to be certified to the VVSG 2.0. It is the beginning of the final phase of implementing the new requirements in preparation for testing and certifying the next generation of voting system equipment. This final phase of VVSG 2.0 implementation involves a significant amount of work.

Voting system manufacturers must design new equipment for compliance with the VVSG 2.0. This process can take a significant amount of time and research as the manufacturers work through the new requirements to design their equipment.

The NIST NVLAP handbook 150–22, which is utilized as a guideline for accrediting VSTLs, must be updated to include the VVSG 2.0 into its scope. Following that, the VSTLs need to be assessed and accredited by both NVLAP and the EAC once they have completed their preparations for testing to the new requirements. Once a VSTL is successfully accredited, voting system manufacturers may apply with the EAC to have their equipment tested against VVSG 2.0.

The EAC is currently drafting a VVSG Lifecycle Policy. The intent of this policy is to help facilitate migration to the new VVSG 2.0 standard by providing guidance on deprecation of the obsolete standards, establishing a periodic review and update timeline for new standards going forward, and versioning of future standards.

Status: This meeting will be open to the public.

Nichelle Williams,

Director of Research, U.S. Election Assistance Commission.

[FR Doc. 2021–18729 Filed 8–26–21; 11:15 am]

BILLING CODE P

DEPARTMENT OF ENERGY

Desert Southwest Region and Western Area Lower Colorado Balancing Authority—Rate Order No. WAPA–200

AGENCY: Western Area Power Administration, Energy (DOE).

ACTION: Notice of rate order extending formula rates.

SUMMARY: The extension of the existing Western Area Power Administration (WAPA), Desert Southwest Region (DSW) formula rates for Network Integration Transmission Service (Network) on the Parker-Davis Project and Pacific Northwest-Pacific Southwest Intertie Project, along with formula rates for ancillary services, transmission losses, and unreserved use penalties applicable to Western Area Lower Colorado Balancing Authority (WALC), has been confirmed, approved, and placed into effect on an interim basis. The existing formula rates under Rate Schedules PD–NTS4 (Network), INT–NTS4 (Network), DSW–SD4 (Scheduling, System Control, and Dispatch), DSW–RS4 (Reactive Supply and Voltage Control), DSW–FR4 (Regulation and Frequency Response), DSW–EI4 (Energy Imbalance), DSW–SPR4 (Spinning Reserve), DSW–SUR4 (Supplemental Reserve), DSW–GI2 (Generator Imbalance), DSW–TL1 (Transmission Losses), and DSW–UU1 (Unreserved Use Penalties) are set to expire on September 30, 2021. This rate extension makes no changes to the existing formula rates and extends them through September 30, 2026.

DATES: The extended formula rates under Rate Schedules PD–NTS4, INT–NTS4, DSW–SD4, DSW–RS4, DSW–FR4, DSW–EI4, DSW–SPR4, DSW–SUR4, DSW–GI2, DSW–TL1, and DSW–UU1 will be placed into effect on an interim basis on October 1, 2021.

FOR FURTHER INFORMATION CONTACT: Jack D. Murray, Acting Regional Manager, Desert Southwest Region, Western Area Power Administration, P.O. Box 6457, Phoenix, AZ 85005–6457, telephone 602–605–2525, or email: *dswpwrmrk@wapa.gov,* or Tina Ramsey, Rates Manager, Desert Southwest Region, Western Area Power Administration, telephone 602–602–2565, or email: *ramsey@wapa.gov.*

SUPPLEMENTARY INFORMATION: WAPA published a **Federal Register** notice (Proposed FRN) on July 8, 2021 (86 FR 36133), proposing to extend the existing formula rates under Rate Schedules PD–NTS4, INT–NTS4, DSW–SD4, DSW–RS4, DSW–FR4, DSW–EI4, DSW–SPR4, DSW–SUR4, DSW–GI2, DSW–TL1, and DSW–UU1 for October 1, 2021, through September 30, 2026. The Proposed FRN also initiated a 15-day public consultation and comment period.

Legal Authority

By Delegation Order No. 00–037.00B, effective November 19, 2016, the Secretary of Energy delegated: (1) The authority to develop power and transmission rates to the WAPA Administrator; (2) the authority to confirm, approve, and place such rates into effect on an interim basis to the Deputy Secretary of Energy; and (3) the authority to confirm, approve, and place into effect on a final basis, remand, or disapprove such rates to the Federal Energy Regulatory Commission (FERC). By Delegation Order No. S1–DEL–S4–2021, effective February 25, 2021, the Acting Secretary of Energy also delegated the authority to confirm, approve, and place such rates into effect on an interim basis to the Under Secretary for Science (and Energy). By Redelegation Order No. S4–DEL–OE1–2021, effective March 25, 2021, the Acting Under Secretary for Science (and Energy) redelegated the authority to confirm, approve, and place such rates into effect on an interim basis to the Assistant Secretary for Electricity. By Redelegation Order No. 00–002.10–05, effective July 8, 2020, the Assistant Secretary for Electricity further delegated the authority to confirm, approve, and place such rates into effect on an interim basis to the WAPA Administrator. This redelegation order, despite predating the February 2021 delegation and March 2021 redelegation, remains valid. This rate action is issued under Redelegation Order No. 00–002.10–05 and Department of Energy procedures for public participation in rate adjustments set forth at 10 CFR part 903.[1]

Following review of DSW's proposal, I hereby confirm, approve, and place Rate Order No. WAPA–200 into effect on an interim basis. This extends, without adjustment, the existing Rate Schedules PD–NTS4, INT–NTS4, DSW–SD4, DSW–RS4, DSW–FR4, DSW–EI4, DSW–SPR4, DSW–SUR4, DSW–GI2, DSW–TL1, and DSW–UU1 through September 30, 2026. WAPA will submit Rate Order No. WAPA–200 and the extended rate schedules to FERC for confirmation and approval on a final basis.

[1] 50 FR 37835 (Sept. 18, 1985) and 84 FR 5347 (Feb. 21, 2019).

DEPARTMENT OF ENERGY

Administrator, Western Area Power Administration

In the Matter of: Western Area Power Administration Extension for the Desert Southwest Region Transmission and Ancillary Services Formula Rates

Rate Order No. WAPA–200

Order Confirming, Approving, and Placing Formula Rates for Transmission Service, Ancillary Services, Transmission Losses, and Unreserved Use Penalties Into Effect on an Interim Basis

The formula rates in Rate Order No. WAPA–200 are established following section 302 of the Department of Energy (DOE) Organization Act (42 U.S.C. 7152).[2]

By Delegation Order No. 00–037.00B, effective November 19, 2016, the Secretary of Energy delegated: (1) The authority to develop power and transmission rates to the Western Area Power Administration (WAPA) Administrator; (2) the authority to confirm, approve, and place such rates into effect on an interim basis to the Deputy Secretary of Energy; and (3) the authority to confirm, approve on a final basis, remand, or disapprove such rates to the Federal Energy Regulatory Commission (FERC). By Delegation Order No. S1–DEL–S4–2021, effective February 25, 2021, the Acting Secretary of Energy also delegated the authority to confirm, approve, and place such rates into effect on an interim basis to the Under Secretary for Science (and Energy). By Redelegation Order No. S4–DEL–OE1–2021, effective March 25, 2021, the Acting Under Secretary for Science (and Energy) redelegated the authority to confirm, approve, and place such rates into effect on an interim basis to the Assistant Secretary for Electricity. By Redelegation Order No. 00–002.10–05, effective July 8, 2020, the Assistant Secretary for Electricity further delegated the authority to confirm, approve, and place such rates into effect on an interim basis to the WAPA Administrator. This redelegation order, despite predating the February 2021 delegation and March 2021 redelegation, remains valid. This extension is issued under Redelegation Order No. 00–002.10–05 and

[2] This Act transferred to, and vested in, the Secretary of Energy the power marketing functions of the Secretary of the Department of the Interior and the Bureau of Reclamation (Reclamation) under the Reclamation Act of 1902 (ch. 1093, 32 Stat. 388), as amended and supplemented by subsequent laws, particularly section 9(c) of the Reclamation Project Act of 1939 (43 U.S.C. 485h(c)); and other acts that specifically apply to the projects involved.

Department of Energy rate extension procedures set forth at 10 CFR part 903(a).[3]

Background

On January 12, 2017, FERC confirmed and approved Rate Schedules PD–NTS4 (Network), INT–NTS4 (Network), DSW–SD4 (Scheduling, System Control, and Dispatch), DSW–RS4 (Reactive Supply and Voltage Control), DSW–FR4 (Regulation and Frequency Response), DSW–EI4 (Energy Imbalance), DSW–SPR4 (Spinning Reserve), DSW–SUR4 (Supplemental Reserve), DSW–GI2 (Generator Imbalance), DSW–TL1 (Transmission Losses), and DSW–UU1 (Unreserved Use Penalties) under Rate Order No. WAPA–175 on a final basis for a 5-year period through September 30, 2021.[4] These rate schedules apply to Parker-Davis Project and Pacific Northwest-Pacific Southwest Intertie Project network integration transmission service, along with transmission losses, unreserved use penalties, and ancillary services from WAPA's Desert Southwestern Region (DSW) and Western Area Lower Colorado Balancing Authority (WALC). The existing formula rates for these services provide adequate revenue to recover all expenses incurred for providing each service. This ensures repayment within the cost recovery criteria set forth in DOE Order RA 6120.2.

Discussion

In accordance with 10 CFR 903.23(a), WAPA filed a notice in the **Federal Register** on July 8, 2021, proposing to extend, without adjustment, Rate Schedules PD–NTS4, INT–NTS4, DSW–SD4, DSW–RS4, DSW–FR4, DSW–EI4, DSW–SPR4, DSW–SUR4, DSW–GI2, DSW–TL1, and DSW–UU1 under Rate Order No. WAPA–200.[5] WAPA determined it was not necessary to hold public information or public comment forums on the proposed formula rate extension, but provided a 15-day consultation and comment period to give the public an opportunity to comment on the proposed extension. The consultation and comment period ended on July 23, 2021, and WAPA received no comments on the proposed formula rate extension.

Ratemaking Procedure Requirements

Environmental Compliance

WAPA determined that this action fits within the class listed in Appendix B to Subpart D of 10 CFR part 1021.410: Categorical exclusions applicable to B4.3: Electric power marketing rate changes and B4.4: Power marketing services and activities, do not require preparation of either an environmental impact statement (EIS) or an environmental assessment (EA).[6] A copy of the categorical exclusion determination is available on WAPA's website at *https://www.wapa.gov/regions/DSW/Environment/Pages/environment.aspx.* Look for file entitled, ''Proposed Formula Rates for Network Integration Transmission Service and Ancillary Services.''

Determination Under Executive Order 12866

WAPA has an exemption from centralized regulatory review under Executive Order 12866; accordingly, no clearance of this notice by the Office of Management and Budget is required.

Submission to the Federal Energy Regulatory Commission

The Provisional Formula Rates herein confirmed, approved, and placed into effect on an interim basis, together with supporting documents, will be submitted to FERC for confirmation and final approval.

Order

In view of the above and under the authority delegated to me, I hereby confirm, approve, and place into effect on an interim basis, Rate Order No. WAPA–200, which extends the existing Network, ancillary services, transmission losses, and unreserved use penalties formula rates under Rate Schedules PD–NTS4, INT–NTS4, DSW–SD4, DSW–RS4, DSW–FR4, DSW–EI4, DSW–SPR4, DSW–SUR4, DSW–GI2, DSW–TL1, and DSW–UU1 through September 30, 2026. The formula rates will remain in effect on an interim basis until: (1) FERC confirms and approves of this extension on a final basis; (2) subsequent rates are confirmed and approved; or (3) such rates are superseded.

Signing Authority

This document of the Department of Energy was signed on August 20, 2021, by Tracey A. LeBeau, Interim Administrator, Western Area Power Administration, pursuant to delegated authority from the Secretary of Energy. That document, with the original signature and date, is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on August 25, 2021.

Treena V. Garrett,

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

Rate Schedule PD–NTS4

ATTACHMENT H to Tariff

(Supersedes Rate Schedule PDP–NTS3 dated October 1, 2016, through September 30, 2021)

United States Department of Energy Western Area Power Administration

Desert Southwest Region

Parker-Davis Project

Network Integration Transmission Service

(Approved Under Rate Order No. WAPA–175)

Effective

The first day of the first full billing period beginning on or after October 1, 2016, and extending through September 30, 2021, or until superseded by another rate schedule, whichever occurs earlier. [Note: This rate schedule was extended by Rate Order No. WAPA–200 through September 30, 2026.]

Applicable

Transmission customers will compensate the Parker-Davis Project each month for Network Integration Transmission Service (Network) under the applicable Network Agreement and the formula rate described herein.

Formula Rate

[3] 50 FR 37835 (Sept. 18, 1985) and 84 FR 5347 (Feb. 21, 2019).

[4] Order Confirming and Approving Rate Schedules on a Final Basis, FERC Docket Nos. EF16–6–000 and EF16–6–001, 158 FERC ¶ 62,027 (2017).

[5] 86 FR 36133 (July 8, 2021).

[6] The determination was done in compliance with the National Environmental Policy Act (NEPA) of 1969, as amended, 42 U.S.C. 4321–4347; the Council on Environmental Quality Regulations for implementing NEPA (40 CFR parts 1500–1508); and DOE NEPA Implementing Procedures and Guidelines (10 CFR part 1021).

$$\text{Monthly Charge} = \text{Network Customer's Load-Ratio Share} \times \frac{\text{Annual Transmission Revenue Requirement}}{12}$$

Based on the formula rate, the Annual Transmission Revenue Requirement (ATRR) will be calculated for each fiscal year using updated financial data. The ATRR will be effective on October 1st of each year and posted on the Western Area Lower Colorado Balancing Authority website.

Rate Schedule INT–NTS4

ATTACHMENT H to Tariff

(Supersedes Rate Schedule INT–NTS3 dated October 1, 2016, through September 30, 2021)

United States Department of Energy Western Area Power Administration

Desert Southwest Region

Pacific Northwest-Pacific Southwest Intertie Project

Network Integration Transmission Service

(Approved Under Rate Order No. WAPA–175)

Effective

The first day of the first full billing period beginning on or after October 1, 2016, and extending through September 30, 2021, or until superseded by another rate schedule, whichever occurs earlier. [Note: This rate schedule was extended by Rate Order No. WAPA–200 through September 30, 2026.]

Applicable

Transmission customers will compensate the Pacific Northwest-Pacific Southwest Intertie Project each month for Network Integration Transmission Service (Network) under the applicable Network Agreement and the formula rate described herein.

Formula Rate

$$\text{Monthly Charge} = \text{Network Customer's Load-Ratio Share} \times \frac{\text{Annual Transmission Revenue Requirement}}{12}$$

Based on the formula rate, the Annual Transmission Revenue Requirement (ATRR) will be calculated for each fiscal year using updated financial data. The ATRR will be effective on October 1st of each year and posted on the Western Area Lower Colorado Balancing Authority website.

Rate Schedule DSW–SD4

SCHEDULE 1 to OATT

(Supersedes Rate Schedule DSW–SD3 dated October 1, 2016, through September 30, 2021)

United States Department of Energy

Western Area Power Administration

Desert Southwest Region and Western Area Lower Colorado Balancing Authority

Scheduling, System Control, and Dispatch Service

(Approved Under Rate Order No. WAPA–175)

Effective

The first day of the first full billing period beginning on or after October 1, 2016, and extending through September 30, 2021, or until superseded by another rate schedule, whichever occurs earlier. [Note: This rate schedule was extended by Rate Order No. WAPA–200 through September 30, 2026.]

Applicable

Scheduling, System Control, and Dispatch Service is required to schedule the movement of power through, out of, within, or into the Balancing Authority Area (BA Area). This service can be provided only by the operator in which the transmission facilities used for transmission service are located. The Western Area Lower Colorado Balancing Authority (WALC) performs this service for all Transmission Service Providers (TSPs) within its BA Area. The transmission customer must purchase this service, unless other arrangements are made with WALC.

The charge will be applied to all schedules, except for schedules that return energy in kind to WALC. WALC will accept any number of scheduling changes during the day without additional charge. The charge will be allocated equally among all TSPs, both Federal and non-Federal, listed on schedules inside its BA Area. The Federal transmission segments of the schedule are exempt from invoicing since the costs for these segments are included in applicable transmission service rates.

Formula Rate

$$\text{Charge per Schedule} = \frac{\text{Annual Cost of Scheduling Personnel and Related Costs}}{\text{Number of Schedules per Year}}$$

The charge per schedule, per day, is calculated by dividing the annual costs associated with scheduling (numerator) by the number of schedules per year (denominator). The numerator is the annual cost of transmission scheduling personnel, facilities, equipment, software, and other related costs involved in providing the service. The denominator is the yearly total of daily tags which result in a schedule, excluding schedules that return energy in kind.

Based on the formula rate, the charge will be calculated each fiscal year using updated financial and schedule data. The charge will be effective on October 1st of each year and posted on WALC's website.

Rate Schedule DSW–RS4

SCHEDULE 2 to OATT

(Supersedes Rate Schedule DSW–RS3 dated October 1, 2016, through September 30, 2021)

United States Department of Energy

Western Area Power Administration

Desert Southwest Region and Western Area Lower Colorado Balancing Authority

Reactive Supply and Voltage Control From Generation Sources or Other Sources Service

(Approved Under Rate Order No. WAPA–175)

Effective

The first day of the first full billing period beginning on or after October 1, 2016, and extending through September 30, 2021, or until superseded by another rate schedule, whichever occurs earlier. [Note: This rate schedule was extended by Rate Order No. WAPA–200 through September 30, 2026.]

Applicable

In order to maintain transmission voltages on the transmission facilities within acceptable limits, generation facilities and non-generation resources capable of providing Reactive Supply and Voltage Control (VAR Support Service) are operated to produce (or absorb) reactive power. This service must be provided for each transaction on the transmission facilities within the Balancing Authority (BA) by the Transmission Service Provider (TSP) or the BA who performs this function for the TSP.

VAR Support Service will be provided by the Western Area Lower Colorado Balancing Authority (WALC). Customers of a Federal TSP must purchase this service from WALC unless the transmission customer has generating resources capable of providing VAR Support Service directly to the Federal TSP and has executed a contract stipulating all the provisions of their self-supply. If WALC provides VAR Support Service on behalf of any non-Federal TSP, this service will be assessed on either the non-Federal TSP's reserved capacity or the scheduled quantity of the non-Federal TSP's customers.

Formula Rate

$$\text{VAR Support Service Rate} = \frac{\text{Annual Revenue Requirement for VAR Support}}{\text{Transmission Transactions Requiring VAR}}$$

The numerator consists of the annual revenue requirement for generation multiplied by the percentage of resource capacity used for providing VAR Support Service. That percentage is based on the nameplate power factor (one minus the power factor) for the generating units supplying the service within WALC. The denominator consists of the transmission transactions within WALC that require this service.

Based on the formula rate, the charge will be calculated each fiscal year using updated financial and reservation data. The charge will be effective on October 1st of each year and will be posted on WALC's website.

Rate Schedule DSW–FR4

SCHEDULE 3 to OATT

(Supersedes Rate Schedule DSW–FR3 dated October 1, 2016, through September 30, 2021)

United States Department of Energy

Western Area Power Administration

Desert Southwest Region and Western Area Lower Colorado Balancing Authority

Regulation and Frequency Response Service

(Approved Under Rate Order No. WAPA–175)

Effective

The first day of the first full billing period beginning on or after October 1, 2016, and extending through September 30, 2021, or until superseded by another rate schedule, whichever occurs earlier. [Note: This rate schedule was extended by Rate Order No. WAPA–200 through September 30, 2026.]

Applicable

Regulation and Frequency Response Service (Regulation Service) is necessary to provide for the continuous balancing of resources, generation and interchange, with load, and for maintaining scheduled interconnection frequency at sixty cycles per second (60 Hz). The obligation to maintain this balance between resources and load lies with the Transmission Service Provider (TSP) or the Balancing Authority (BA) who performs this function for the TSP. The Western Area Lower Colorado Balancing Authority (WALC) performs this function for the Federal TSPs and must offer this service when transmission is used to serve load within its Balancing Authority Area (BA Area). Non-Federal TSPs and customers of Federal TSPs must purchase Regulation Service from WALC or make alternative comparable arrangements to satisfy their regulation obligations.

Formula Rate

$$\text{Regulation Service Rate} = \frac{\text{Annual Revenue Requirement for Regulation Service}}{\begin{array}{c}\text{Load within WALC Requiring Regulation} \\ + \\ \text{(Installed Nameplate Capacity of Solar Generators Serving Load within WALC} \times \text{Solar Capacity Multiplier)} \\ + \\ \text{(Installed Nameplate Capacity of Wind Generators Serving Load within WALC} \times \text{Wind Capacity Multiplier)}\end{array}}$$

The numerator includes the annual costs associated with plant-in-service, operation and maintenance, purchase of regulation products, purchases of power to support WALC's ability to regulate, and other related costs involved in providing the service. The denominator consists of the load within WALC that requires this service plus the product of the installed nameplate capacity of solar and wind generators serving load within WALC and the applicable capacity multipliers.

Based on the formula rate, the charge will be calculated each fiscal year using updated financial and load data. The charge will be effective on October 1st of each year and will be posted on the WALC website.

Types of Assessments

There are two different applications of this formula rate:

(1) A load-based assessment which is applicable to load within WALC (total metered load less Federal power allocation, including behind the meter generation rating, or if available, hourly data if generation is synchronized) and the installed nameplate capacity of all intermittent resources serving load within WALC.

(2) A self-provision assessment which allows entities with Automatic Generation Control (AGC) to self-provide for all or a portion of their loads. Entities with AGC are known as Sub-Balancing Authorities (SBA) and must meet all of the following criteria: (a) Have a well-defined boundary, with WALC-approved revenue-quality metering, accurate as defined by the North American Electric Reliability Corporation (NERC), to include Megawatt (MW) flow data availability at 6-second or smaller intervals; (b) have AGC responsive unit(s); (c) demonstrate Regulation Service capability; and (d) execute a contract with WALC, provide all requested data, and meet the SBA error criteria below.

Self-provision is measured by use of the entity's 1-minute average Area Control Error (ACE) to determine the amount of self-provision. The ACE is used to calculate the Regulation Service charges every hour as follows:

(1) If the entity's 1-minute average ACE for the hour is less than or equal to 0.5 percent of its hourly average load, no charge is assessed for that hour.

(2) If the entity's 1-minute average ACE for the hour is greater than or equal to 1.5 percent of the entity's hourly average load, WALC assesses charges using the hourly load-based assessment applied to the entity's peak load for that month.

(3) If the entity's 1-minute average ACE for the hour is greater than 0.5 percent but less than 1.5 percent of its hourly average load, WALC assesses charges based on linear interpolation of no charge and full charge, using the hourly load-based assessment applied to the entity's peak load for that month.

WALC monitors the entity's self-provision on a regular basis. If WALC determines that the entity has not been attempting to self-regulate, WALC will, upon notification, employ the load-

based assessment methodology described above.

Alternative Arrangements

Exporting Intermittent Resource Requirement: An entity that exports the output from an intermittent generator to another BA Area will be required to dynamically meter or dynamically schedule that resource out of WALC to another BA unless arrangements, satisfactory to WALC, are made for that entity to acquire this service from a third-party or self-supply (as outlined below). An intermittent generator is one whose output is volatile and variable due to factors beyond direct operational control and, therefore, is not dispatchable.

Self- or Third-party Supply: WALC may allow an entity to supply some or all of its required regulation, or contract with a third party. This entity must have revenue quality metering at every load and generation point, with accuracy as defined by NERC, to include MW flow data availability at 6-second (or smaller) intervals. WALC will evaluate the entity's metering, telecommunications and regulating resource, as well as the required level of regulation, to determine whether the entity qualifies to self-supply under this provision. If approved, the entity is required to enter into a separate agreement with WALC which will specify the terms of self-supply.

Customer Accommodation

For entities unwilling to take Regulation Service, self-provide as described above, or obtain the service from a third party, WALC will assist the entity in dynamically metering its loads/resources to another BA. Until such time as meter configuration is accomplished, the entity will be responsible for charges assessed under this schedule.

Rate Schedule DSW–EI4

SCHEDULE 4 to OATT

(Supersedes Rate Schedule DSW–EI3 dated October 1, 2016, Through September 30, 2021)

United States Department of Energy

Western Area Power Administration

Desert Southwest Region and Western Area Lower Colorado Balancing Authority

Energy Imbalance Service

(Approved Under Rate Order No. WAPA–175)

Effective

The first day of the first full billing period beginning on or after October 1, 2016, and extending through September 30, 2021, or until superseded by another rate schedule, whichever occurs earlier. [Note: This rate schedule was extended by Rate Order No. WAPA–200 through September 30, 2026.]

Applicable

Energy Imbalance Service is provided when there is a difference between the scheduled and actual delivery of energy to a load located within a Balancing Authority Area (BA Area) over a single hour. The Transmission Service Provider (TSP) or the Balancing Authority (BA) who performs this function for the TSP must offer this service when transmission is used to serve load within its BA Area.

The Western Area Lower Colorado Balancing Authority (WALC) performs this function for the Federal TSP. Customers of a Federal TSP must purchase this service from WALC or make alternative comparable arrangements to satisfy their Energy Imbalance obligations. Non-Federal TSPs must have separate agreements with WALC that specify the terms of Energy Imbalance Service. WALC may charge a transmission customer for either energy imbalances under this schedule or generator imbalances under Schedule 9 for imbalances occurring during the same hour, but not both unless the imbalances aggravate rather than offset each other.

Formula Rate

Charges for energy imbalances are based on the deviation bands as follows:

1. For deviations within ±1.5 percent (with a minimum of 4 MW) of the metered load, the settlement for on-peak and off-peak hours is 100 percent.

2. For deviations greater than ±1.5 up to 7.5 percent (or greater than 4 MW up to 10 MW) of the metered load, the settlement for on-peak hours is 110 percent for under-delivery and 90 percent for over-delivery, and the settlement for off-peak hours is 110 percent for under-delivery and 75 percent for over-delivery.

3. For deviations greater than ±7.5 percent (or 10 MW) of the metered load, the settlement for on-peak hours is 125 percent for under-delivery and 75 percent for over-delivery, and the settlement for off-peak hours is 125 percent for under-delivery and 60 percent for over-delivery.

The deviation bands will be applied hourly and any energy imbalances that occur as a result of the transmission customer's scheduled transactions will be netted on a monthly basis and settled financially at the end of the month. For purposes of this schedule, the proxy prices used to determine financial settlement will be derived from the Palo Verde electricity price indexes, or similar alternative, for on-peak and off-peak. WALC may accept settlement in energy in lieu of financial settlement.

During periods of BA operating constraints, WALC reserves the right to eliminate credits for over-delivery. The cost to WALC of any penalty assessed by a regulatory authority due to a violation of operating standards resulting from under or over-delivery of energy may be passed through to customers.

Rate Schedule DSW–SPR4

SCHEDULE 5 to OATT

(Supersedes Rate Schedule DSW–SPR3 dated October 1, 2016, Through September 30, 2021)

United States Department of Energy

Western Area Power Administration

Desert Southwest Region and Western Area Lower Colorado Balancing Authority

Operating Reserve—Spinning Reserve Service

(Approved Under Rate Order No. WAPA–175)

Effective

The first day of the first full billing period beginning on or after October 1, 2016, and extending through September 30, 2021, or until superseded by another rate schedule, whichever occurs earlier. [Note: This rate schedule was extended by Rate Order No. WAPA–200 through September 30, 2026.]

Applicable

Spinning Reserve Service is needed to serve load immediately in the event of a system contingency and may be provided by generating units that are on-line and loaded at less than maximum output. The Transmission Service Provider (TSP) or the Balancing Authority (BA) who performs this function for the TSP must offer this service when transmission is used to serve load within its BA Area.

The Western Area Lower Colorado Balancing Authority (WALC) performs this function for the Federal TSP. Customers of a Federal TSP must purchase this service from WALC or make alternative arrangements to satisfy their Spinning Reserve obligations.

Formula Rate

Cost of Service = Market Price + Administrative Fee

WALC has no Spinning Reserves available for sale. Upon request, WALC will purchase at market price and pass-through the cost plus an administrative fee that covers the cost of procuring and supplying Spinning Reserves. The customer will be responsible for providing the transmission needed to deliver the Spinning Reserves purchased.

Rate Schedule DSW–SUR4

SCHEDULE 6 to OATT

(Supersedes Rate Schedule DSW–SUR3 dated October 1, 2016, Through September 30, 2021)

United States Department of Energy

Western Area Power Administration

Desert Southwest Region and Western Area Lower Colorado Balancing Authority

Operating Reserve—Supplemental Reserve Service

(Approved Under Rate Order No. WAPA–175)

Effective

The first day of the first full billing period beginning on or after October 1, 2016, and extending through September 30, 2021, or until superseded by another rate schedule, whichever occurs earlier. [Note: This rate schedule was extended by Rate Order No. WAPA–200 through September 30, 2026.]

Applicable

Supplemental Reserve Service is needed to serve load in the event of a system contingency. It is not available immediately to serve load but is generally available within a short period of time after a system contingency event. This service may be provided by generating units that are on-line but unloaded, by quick-start generation, or by interruptible load. The Transmission Service Provider (TSP) or the Balancing Authority (BA) who performs this function for the TSP must offer this service when transmission is used to serve load within its BA Area.

The Western Area Lower Colorado Balancing Authority (WALC) performs this function for the Federal TSP. Customers of a Federal TSP must purchase this service from WALC or make alternative arrangements to satisfy their Supplemental Reserve obligations.

Formula Rate

Cost of Service = Market Price + Administrative Fee

WALC has no Supplemental Reserves for sale. Upon request, WALC will purchase at market price and pass-through the cost plus an administrative fee that covers the cost of procuring and supplying Supplemental Reserves. The customer will be responsible for providing the transmission needed to deliver.

Rate Schedule DSW–GI2

SCHEDULE 9 to OATT

(Supersedes Rate Schedule DSW–GI1 dated October 1, 2016, Through September 30, 2021)

United States Department of Energy

Western Area Power Administration

Desert Southwest Region and Western Area Lower Colorado Balancing Authority

Generator Imbalance Service

(Approved Under Rate Order No. WAPA–175)

Effective

The first day of the first full billing period beginning on or after October 1, 2016, and extending through September 30, 2021, or until superseded by another rate schedule, whichever occurs earlier. [Note: This rate schedule was extended by Rate Order No. WAPA–200 through September 30, 2026.]

Applicable

Generator Imbalance Service is provided when a difference occurs between the output of a generator located in the Balancing Authority Area (BA Area) and the delivery schedule from that generator to another BA Area or a load within the Transmission Service Provider's (TSP) BA Area over a single hour. The TSP or the Balancing Authority (BA) who performs this function for the TSP must offer this service, to the extent it is physically feasible to do so from its resources or from resources available to it, when transmission is used to deliver energy from a generator located within its BA Area.

The Western Area Lower Colorado Balancing Authority (WALC) performs this function for the Federal TSP. Customers of a Federal TSP must purchase this service from WALC or make alternative comparable arrangements to satisfy their generator imbalance obligations. Non-Federal TSPs must have separate agreements with WALC that specify the terms of Generator Imbalance Service. An intermittent resource serving load outside WALC will be required to dynamically schedule or dynamically meter their generation to another BA Area unless arrangements, satisfactory to WALC, are made to acquire this service from a third-party. An intermittent resource, for the limited purpose of this schedule, is an electric generator that is not dispatchable and cannot store its fuel source, and therefore cannot respond to changes in demand or respond to transmission security constraints.

WALC may charge a transmission customer for either generator imbalances under this schedule or energy imbalances under Schedule 4 for imbalances occurring during the same hour, but not both unless the imbalances aggravate rather than offset each other.

Formula Rate

Charges for generator imbalances are based on the deviation bands as follows:

1. For deviations within ±1.5 percent (with a minimum of 4 MW) of the metered generation, the settlement for on-peak and off-peak hours is 100 percent.

2. For deviations greater than ±1.5 up to 7.5 percent (or greater than 4 MW up to 10 MW) of the metered generation, the settlement for on-peak hours is 110

percent for under-delivery and 90 percent for over-delivery, and the settlement for off-peak hours is 110 percent for under-delivery and 75 percent for over-delivery.

3. For deviations greater than ±7.5 percent (or 10 MW) of the metered generation, the settlement for on-peak hours is 125 percent for under-delivery and 75 percent for over-delivery, and the settlement for off-peak hours is 125 percent for under-delivery and 60 percent for over-delivery. An intermittent resource will be exempt from this deviation band but will be subject to the settlement provisions in the second deviation band for all deviations greater than ±7.5 percent (or 10 MW).

The deviation bands will be applied hourly and any generator imbalances that occur as a result of the transmission customer's scheduled transactions will be netted on a monthly basis and settled financially at the end of the month. For purposes of this schedule, the proxy prices used to determine financial settlement will be derived from the Palo Verde electricity price indexes, or similar alternative, for on-peak and off-peak. WALC may accept settlement in energy in lieu of financial settlement.

During periods of BA operating constraints, WALC reserves the right to eliminate credits for over-delivery. The cost to WALC of any penalty assessed by a regulatory authority due to a violation of operating standards resulting from under or over-delivery of energy may be passed through to customers.

Rate Schedule DSW–TL1

(Supersedes Rate Schedule DSW–TL1 Dated October 1, 2016, Through September 30, 2021)

United States Department of Energy

Western Area Power Administration

Desert Southwest Region

Western Area Lower Colorado Balancing Authority

Transmission Losses Service

(Approved Under Rate Order No. WAPA–175)

Effective

The first day of the first full billing period beginning on or after October 1, 2016, and extending through September 30, 2021, or until superseded by another rate schedule, whichever occurs earlier. [Note: This rate schedule was extended by Rate Order No. WAPA–200 through September 30, 2026.]

Applicable

Capacity and energy losses occur when a Transmission Service Provider (TSP) delivers electricity over its transmission facilities for a transmission customer. The Western Area Lower Colorado Balancing Authority (WALC) provides this service to TSPs within its Balancing Authority Area (BA Area). Transmission losses (losses) are assessed for transactions on transmission facilities within WALC, unless separate agreements specify the terms for losses. The losses applicable to Federal TSPs will be passed directly to transmission customers. The transmission customer must either purchase this service from WALC or make alternative comparable arrangements to satisfy their obligations for losses.

Formula Rate

The loss percentage currently in effect is posted on WALC's website and may be changed from time to time. Financial settlement for losses will occur on a monthly basis, unless determined by WALC. Proxy prices used to determine financial settlement will be derived from the Palo Verde electricity price indexes, or similar alternative, for on-peak and off-peak. This pricing information is posted on WALC's website.

Rate Schedule DSW–UU1

SCHEDULE 10 to OATT

(Supersedes Rate Schedule DSW–UU1 Dated October 1, 2016, Through September 30, 2021)

United States Department of Energy

Western Area Power Administration

Desert Southwest Region

Central Arizona Project

Pacific Northwest-Pacific Southwest Intertie Project

Parker-Davis Project

Unreserved Use Penalties

(Approved Under Rate Order No. WAPA–175)

Effective

The first day of the first full billing period beginning on or after October 1, 2016, and extending through September 30, 2021, or until superseded by another rate schedule, whichever occurs earlier. [Note: This rate schedule was extended by Rate Order No. WAPA–200 through September 30, 2026.]

Applicable

Unreserved use occurs when a customer uses transmission service it has not reserved or uses transmission service in excess of its reserved capacity. Unreserved use may also include a transmission customer's failure to curtail transmission when requested. The transmission customer shall compensate the Federal Transmission Service Provider (TSP) each month for any unreserved use of the transmission system.

Penalty Rate

The charge for a transmission customer that engages in unreserved use is two times the maximum allowable firm point-to-point transmission rate for the service at issue, assessed as follows:

(1) The penalty for one instance, in a single hour, is based on the daily rate;

(2) The penalty for more than one instance, for any given duration (*e.g.,* daily) increases to the next longest duration (*e.g.,* weekly).

A transmission customer that exceeds its reserved capacity at any point of receipt or point of delivery, or a customer that uses transmission service at a point of receipt or point of delivery that it has not reserved, is required to pay for all ancillary services provided by the Federal TSP and associated with the unreserved use. The customer will pay for ancillary services based on the amount of transmission service it used and did not reserve.

[FR Doc. 2021–18611 Filed 8–27–21; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Nevada

AGENCY: Office of Environmental Management, Department of Energy.

ACTION: Notice of open virtual meeting.

SUMMARY: This notice announces an online virtual meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Nevada. The Federal Advisory Committee Act requires that public notice of this online virtual meeting be announced in the **Federal Register**.

DATES: Wednesday, September 22, 2021; 4:00 p.m.–7:35 p.m.

ADDRESSES: Online Virtual Meeting. To attend, please send an email to: *nssab@emcbc.doe.gov* by no later than 4:00 p.m. PT on Monday, September 20, 2021.

FOR FURTHER INFORMATION CONTACT: Barbara Ulmer, Nevada Site Specific Advisory Board (NSSAB) Administrator, by Phone: (702) 523–0894 or Email: *nssab@emcbc.doe.gov.*

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE–EM and site management in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda:

1. Briefings on Fiscal Year (FY) 2021 Wrap Up and FY 2022 Planned Activities
2. FY 2022 Work Plan Development
3. Election of Officers for FY 2022

Public Participation: The online virtual meeting is open to the public. Written statements may be filed with the Board via email either before or after the meeting as there will not be opportunities for live public comment during this online virtual meeting. Public comments received by no later than 4:00 p.m. PT on Monday, September 20, 2021, will be read aloud during the virtual meeting. Comments will be accepted after the meeting, by no later than 4:00 p.m. PT on Friday, October 8, 2021. Please submit comments to *nssab@emcbc.doe.gov.* The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to submit public comments should email them as directed above.

Minutes: Minutes will be available by writing or calling Barbara Ulmer, NSSAB Administrator, U.S. Department of Energy, EM Nevada Program, 100 North City Parkway, Suite 1750, Las Vegas, NV 89106; Phone: (702) 523–0894. Minutes will also be available at the following website: *http://www.nnss.gov/NSSAB/pages/MM_FY21.html.*

Signed in Washington, DC, on August 24, 2021.

LaTanya Butler,

Deputy Committee Management Officer.

[FR Doc. 2021–18608 Filed 8–27–21; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Northern New Mexico

AGENCY: Office of Environmental Management, Department of Energy.

ACTION: Notice of open in-person/virtual hybrid meeting.

SUMMARY: This notice announces an in-person/virtual hybrid meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Northern New Mexico. The Federal Advisory Committee Act requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Wednesday, September 22, 2021; 1:00 p.m.–5:00 p.m.

ADDRESSES: This hybrid meeting will be open to the public virtually via WebEx only. To attend virtually, please contact the NNMCAB Executive Director (below) no later than 5:00 p.m. MDT on Monday, September 20, 2021.

Board members, Department of Energy (DOE) representatives, agency liaisons, and support staff will participate in-person, strictly following COVID–19 precautionary measures, at:

Ohkay Owingeh Conference Center, 68 New Mexico 291, Ohkay Owingeh, NM 87566

FOR FURTHER INFORMATION CONTACT: Menice B. Santistevan, NNMCAB Executive Director, by Phone: (505) 699–0631 or Email: *menice.santistevan@em.doe.gov.*

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE–EM and site management in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda:

1. Presentation on Water Quality Data
2. Presentation on Appendix B Milestones and Targets

Public Participation: The in-person/online virtual hybrid meeting is open to the public virtually via WebEx only. Written statements may be filed with the Board no later than 5:00 p.m. MDT on Monday, September 20, 2021or within seven days after the meeting by sending them to the NNMCAB Executive Director at the aforementioned email address. Oral comments may be given by in-person attendees during the aforementioned time. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make or submit public comments should follow as directed above.

Minutes: Minutes will be available by emailing or calling Menice Santistevan, NNMCAB Executive Director, at *menice.santistevan@em.doe.gov* or at (505) 699–0631.

Signed in Washington, DC, on August 24, 2021.

LaTanya Butler,

Deputy Committee Management Officer.

[FR Doc. 2021–18607 Filed 8–27–21; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Advanced Scientific Computing Advisory Committee

AGENCY: Office of Science, Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Advanced Scientific Computing Advisory Committee (ASCAC). The Federal Advisory Committee Act requires that public notice of these meetings be announced in the **Federal Register**.

DATES: Thursday, September 29, 2021; 11:00 a.m. to 3:00 p.m. EDT; and Friday, September 30, 2021; 11:00 a.m. to 3:00 p.m. EDT.

ADDRESSES: Teleconference: Remote attendance of the Advanced Scientific Computing Advisory Committee meeting will be possible via Zoom. Instructions will be posted on the Advanced Scientific Computing Advisory Committee website at: (*https://science.osti.gov/ascr/ascac/Upcoming-ASCAC-Meetings*) prior to the meeting and can also be obtained by contacting Christine Chalk by email at (*christine.chalk@science.doe.gov*) or by phone at (301) 903–7486.

FOR FURTHER INFORMATION CONTACT: Christine Chalk, Office of Advanced Scientific Computing Research; SC–31/Germantown Building; U. S. Department of Energy; 1000 Independence Avenue SW; Washington, DC 20585–1290; Telephone (301) 903–7486; email: *christine.chalk@science.doe.gov.*

SUPPLEMENTARY INFORMATION:

Purpose of the Committee: to provide advice and guidance on a continuing basis to the Office of Science and to the Department of Energy on scientific priorities within the field of advanced scientific computing research.

Purpose of the Meeting: This meeting is the semi-annual meeting of the Committee.

Tentative Agenda

- View from Washington
- View from Germantown
- Update on Exascale project activities
- Update on ASCR workshops and research
- Update from Committee of Visitors
- Challenges and Best Practices for increasing Diversity
- Technical presentations
- Public Comment (10-minute rule)

The meeting agenda includes an update on the budget, accomplishments and planned activities of the Advanced Scientific Computing Research program and the exascale computing project; an

update from the Office of Science; technical presentations from funded researchers; updates from subcommittees and there will be an opportunity for comments from the public. The meeting will conclude at 3:00 p.m. EDT on September 30, 2021. Agenda updates and presentations will be posted on the ASCAC website prior to the meeting: *https://science.osti.gov/ascr/ascac.*

Public Participation: The meeting is open to the public. Individuals and representatives of organizations who would like to offer comments and suggestions may do so during the meeting. Approximately 30 minutes will be reserved for public comments. Time allotted per speaker will depend on the number who wish to speak but will not exceed 10 minutes. The Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Those wishing to speak should submit your request at least five days before the meeting. Those not able to attend the meeting or who have insufficient time to address the committee are invited to send a written statement to Christine Chalk, U.S. Department of Energy, 1000 Independence Avenue SW, Washington DC 20585, email to *Christine.Chalk@science.doe.gov.*

Minutes: The minutes of this meeting will be available within 90 days on the Advanced Scientific Computing website at: *https://science.osti.gov/ascr/ascac.*

Signed in Washington, DC on August 24, 2021.

LaTanya Butler,

Deputy Committee Management Officer.

[FR Doc. 2021–18610 Filed 8–27–21; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Savannah River Site

AGENCY: Office of Environmental Management, Department of Energy.

ACTION: Notice of open virtual meeting.

SUMMARY: This notice announces an online virtual meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Savannah River Site. The Federal Advisory Committee Act requires that public notice of this online virtual meeting be announced in the **Federal Register**.

DATES: Monday, September 20, 2021; 1:00 p.m.–4:15 p.m.

ADDRESSES: Online Virtual Meeting. To attend, please send an email to: *srscitizensadvisoryboard@srs.gov* by no later than 4:00 p.m. ET on Friday, September 17, 2021.

FOR FURTHER INFORMATION CONTACT: Amy Boyette, Office of External Affairs, U.S. Department of Energy (DOE), Savannah River Operations Office, P.O. Box A, Aiken, SC 29802; Phone: (803) 952–6120; email: *srscitizensadvisoryboard@srs.gov.*

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE–EM and site management in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda:

—Chair Update

—Agency Updates

—Infrastructure at the Savannah River Site

—Board Discussion:

- DOE Response to Recommendation #370, Revise the Member Appointment Process
- Update to Standard Operating Procedures, Breaking Ties During Board Elections

—Reading of Public Comments

—Voting: Update to Standard Operating Procedures, Breaking Ties During Board Elections

Public Participation: The online virtual meeting is open to the public. Written statements may be filed with the Board via email either before or after the meeting as there will not be opportunities for live public comment during this online virtual meeting. Public comments received by no later than 4:00 p.m. ET on Friday, September 17, 2021, will be read aloud during the virtual meeting. Comments will be accepted after the meeting, by no later than 4:00 p.m. ET on Monday, September 27, 2021. Please submit comments to *srscitizensadvisoryboard@srs.gov.* The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to submit public comments should email them as directed above.

Minutes: Minutes will be available by writing or calling Amy Boyette at the address or telephone number listed above. Minutes will also be available at the following website: *https://cab.srs.gov/srs-cab.html.*

Signed in Washington, DC, on August 24, 2021.

LaTanya Butler,

Deputy Committee Management Officer.

[FR Doc. 2021–18609 Filed 8–27–21; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 10742–004]

Mesa Conolidated Water District; Notice of Application for Surrender of Conduit Exemption, Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Proceeding:* Application for surrender of conduit exemption.

b. *Project No.:* 10742–004.

c. *Date Filed:* August 19, 2021.

d. *Licensee:* Mesa Consolidated Water District.

e. *Name of Project:* Mesa Hydroelectric Project.

f. *Location:* The project is located at 1965 Placentia Avenue, on the water distribution system of the city of Costa Mesa in Orange County, California.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.

h. *Licensee Contact:* Andrew Wiesner, Mesa Consolidated Water District, 1965 Placentia Avenue, Costa Mesa, CA 92627, (949) 207–5458.

i. *FERC Contact:* Rebecca Martin, (202) 502–6012, *Rebecca.martin@ferc.gov.*

j. Deadline for filing comments, interventions, and protests Deadline for filing comments, motions to intervene, and protests: September 23, 2021.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, and protests using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose,

Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include docket number P–10742–004. Comments emailed to Commission staff are not considered part of the Commission record.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Description of Request:* The Licensee proposes to surrender its conduit exemption and remove the two turbines located in one of its two drinking water storage reservoirs. The turbines have rarely operated since they were installed. The exemptee is proposing to remove them as part of an upgrade to the pump station.

l. *Locations of the Application:* This filing may be viewed on the Commission's website at *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. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov,* for TTY, call (202) 502–8659. Agencies may obtain copies of the application directly from the applicant.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214, respectively. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Documents:* Any filing must (1) bear in all capital letters the title ''COMMENTS'', ''PROTEST'', or ''MOTION TO INTERVENE'' as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person commenting, protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis. Any filing made by an intervenor must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 385.2010.

Dated: August 24, 2021.

Kimberly D. Bose,

Secretary.

[FR Doc. 2021–18617 Filed 8–27–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP21–1044–000.

Applicants: International Paper Company.

Description: Joint Petition for Temporary Waiver of Capacity Release Regulations, et al. of International Paper Company.

Filed Date: 8/23/21.

Accession Number: 20210823–5236.

Comment Date: 5 p.m. ET 9/2/21.

Docket Numbers: RP21–1045–000.

Applicants: Colorado Interstate Gas Company, L.L.C.

Description: Compliance filing: Penalties Assessed Compliance Filing 2021 to be effective N/A.

Filed Date: 8/24/21.

Accession Number: 20210824–5030.

Comment Date: 5 p.m. ET 9/7/21.

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 24, 2021.

Kimberly D. Bose,

Secretary.

[FR Doc. 2021–18615 Filed 8–27–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 15104–000]

Premium Energy Holdings, LLC; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

On February 25, 2021, the Premium Energy Holdings LLC, filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act (FPA), proposing to study the feasibility of Tehachapi Pumped Storage Project to be located about 6 miles east of Lebec, in Kern County and Los Angeles County, California. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land-disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

The proposed project includes three alternative project configurations (alternatives A, B, and C). The proposed alternative A would consist of: (1) A new upper reservoir using National Cement Company's existing quarry (Quarry Reservoir) with a surface area of 59 acres, and a total storage capacity of 14,610 acre-feet at a normal maximum operating elevation of 5,100 feet above average mean sea level (msl); (2) a new 5,350-foot-long, 255-foot-high earthen dam impounding a new lower reservoir

(Border Reservoir), with a surface area of 138-acres, and a total storage capacity of 21,600 acre-feet at a normal maximum elevation of 3,920 feet msl; and (3) a new 8,448-foot-long, 31-foot-diameter pressurized tunnel penstock connecting the Quarry and Border Reservoirs, with a hydraulic head of 1,180 feet. The proposed alternative B would consist of: (1) A new 2,997-foot-long, 300-foot-high earthen dam impounding a new upper reservoir (Edison Reservoir) with a surface area of 62 acres, and a total storage capacity of 18,000 acre-feet at a normal maximum elevation of 4,500 feet msl; (2) a new lower reservoir (Teson Reservoir) with a surface area of 63 acres, and a total storage capacity of 21,800 acre-feet at a normal maximum elevation of 3,530 feet msl; and (3) a new 7,920-foot-long, 33-foot-diameter pressurized tunnel penstock connecting the Edison and Teson Reservoirs, with a hydraulic head of 1,000 feet. The proposed alternative C would consist of: (1) A new 3,840-foot-long, 300-foot-high earthen dam impounding a new upper reservoir (Crane Reservoir) with a surface area of 156 acres, and a total storage capacity of 23,950 acre-feet at a normal maximum elevation of 4,500 feet msl; (2) a new 5,485-foot-long, 195-foot-high earthen dam impounding a new lower reservoir (Oso Reservoir) with a surface area of 314-acres, and a total storage capacity of 21,690 acre-feet at a normal maximum elevation of 3,530 feet msl; and (3) a new 19,536-foot-long, 34-foot-diameter pressurized tunnel penstock connecting the Crane and Oso Reservoirs, with a hydraulic head of 970 feet. Each of the alternative configurations would also include a new powerhouse and switchyard located adjacent to the lower reservoir, and a transmission line connecting the switchyard to either Los Angeles Department of Water and Power's (LADWP) Rosamond Switching Station or Southern California Edison Company's (SCE) Bailey Substation. The powerhouse would contain five turbine-generator units with a total rated capacity of 1,000 megawatts and the estimated annual generation at the project would be 3,500 gigawatt-hours.

Applicant Contact: Mr. Victor M. Rojas, Managing Director, Premium Energy Holdings LLC. 355 South Lemon Ave., Suite A, Walnut, CA 91789, *victor.rojas@pehllc.net.*

FERC Contact: Ousmane Sidibe; *Ousmane.sidibe@ferc.gov,* (202) 502–6245.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Competing applications and notices of intent must meet the requirements of 18 CFR 4.36.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, notices of intent, and competing applications using the Commission's eFiling system at *https://ferconline.ferc.gov/FERCOnline.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 at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include docket number P–15104–000.

More information about this project, including a copy of the application, can be viewed or printed on the ''eLibrary'' link of Commission's website at *https://www.ferc.gov/ferc-online/elibrary/overview.* Enter the docket number (P–15104) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: August 24, 2021.

Kimberly D. Bose,

Secretary.

[FR Doc. 2021–18614 Filed 8–27–21; 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 exempt wholesale generator filings:

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: ER21–2280–001.

Applicants: Independence Wind Energy LLC.

Description: Tariff Amendment: Amendment to MBR Application to be effective 8/30/2021.

Filed Date: 8/24/21.

Accession Number: 20210824–5034.

Comment Date: 5 p.m. ET 9/14/21.

Docket Numbers: ER21–2694–001.

Applicants: PJM Interconnection, L.L.C.

Description: Tariff Amendment: Amendment to ISA, SA No. 5481; Queue No. AF1–014 (consent) to be effective 7/16/2021.

Filed Date: 8/24/21.

Accession Number: 20210824–5068.

Comment Date: 5 p.m. ET 9/14/21.

Docket Numbers: ER21–2732–000.

Applicants: Kansas Power Pool.

Description: Request for Limited Waiver of Formula Rate Deadlines, et al. of the Kansas Power Pool.

Filed Date: 8/20/21.

Accession Number: 20210820–5243.

Comment Date: 5 p.m. ET 8/26/21.

Docket Numbers: ER21–2748–000.

Applicants: Lund Hill Solar, LLC, Bracewell LLP.

Description: Baseline eTariff Filing: Lund Hill Solar, LLC submits tariff filing per 35.12: Application for Market-Based Rate Authorization, Request for Related Waivers to be effective 9/15/2021.

Filed Date: 8/23/21.

Accession Number: 20210823–5199.

Comment Date: 5 p.m. ET 9/13/21.

Docket Numbers: ER21–2749–000.

Applicants: Northern Indiana Public Service Company LLC.

Description: § 205(d) Rate Filing: Supplement to WVPA IA to Remove Delivery Point to be effective 8/1/2021.

Filed Date: 8/23/21.

Accession Number: 20210823–5201.

Comment Date: 5 p.m. ET 9/13/21.

Docket Numbers: ER21–2750–000.

Applicants: PJM Interconnection, L.L.C.

Description: PJM Interconnection, L.L.C. submits Petition for Termination of Waiver associated with Peak Shaving Adjustment Deadline.

Filed Date: 8/23/21.

Accession Number: 20210823–5241.

Comment Date: 5 p.m. ET 9/3/21.

Docket Numbers: ER21–2752–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: § 205(d) Rate Filing: 2021–08–24_SA 3489 Duke-Speedway Solar 1st Rev GIA (J805) to be effective 8/9/2021.

Filed Date: 8/24/21.
Accession Number: 20210824–5046.
Comment Date: 5 p.m. ET 9/14/21.

Docket Numbers: ER21–2753–000.
Applicants: California Independent System Operator Corporation.
Description: Compliance filing: 2021–08–24 Waiver Petition—Expedited Comment & Approval—Emergency Generation to be effective N/A.
Filed Date: 8/24/21.
Accession Number: 20210824–5058.
Comment Date: 5 p.m. ET 8/31/21.

Docket Numbers: ER21–2754–000.
Applicants: Puget Sound Energy, Inc.
Description: Puget Sound Energy, Inc. submits Average System Cost Filing for Sales of Electric Power to the Bonneville Power Administration, FY 2022–2023.
Filed Date: 8/20/21.
Accession Number: 20210820–5253.
Comment Date: 5 p.m. ET 9/10/21.

Docket Numbers: ER21–2755–000.
Applicants: Effingham County Power, LLC.
Description: Tariff Amendment: Notice of Cancellation of FERC Electric Tariff No. 1 and Tariff ID to be effective 12/31/9998.
Filed Date: 8/24/21.
Accession Number: 20210824–5067.
Comment Date: 5 p.m. ET 9/14/21.

Docket Numbers: ER21–2756–000.
Applicants: Southern California Edison Company.
Description: § 205(d) Rate Filing: Amended CLGIA & DSA Mesa Wind Power Corporation SA Nos. 395–396 to be effective 8/25/2021.
Filed Date: 8/24/21.
Accession Number: 20210824–5075.
Comment Date: 5 p.m. ET 9/14/21.

Docket Numbers: ER21–2757–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Original WMPA 6160; Queue No. AG1–362 to be effective 7/27/2021.
Filed Date: 8/24/21.
Accession Number: 20210824–5088.
Comment Date: 5 p.m. ET 9/14/21.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES21–66–000.
Applicants: Southwest Power Pool, Inc.
Description: Application Under Section 204 of the Federal Power Act for Authorization to Issue Securities of Southwest Power Pool, Inc.
Filed Date: 8/24/21.
Accession Number: 20210824–5081.
Comment Date: 5 p.m. ET 9/14/21.

Take notice that the Commission received the following qualifying facility filings:

Docket Numbers: QF21–1186–000.
Applicants: Techni-Cast Corp.
Description: Form 556 of Techni-Cast Corp.
Filed Date: 8/23/21.
Accession Number: 20210823–5222.
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 24, 2021.

Kimberly D. Bose,

Secretary.

[FR Doc. 2021–18616 Filed 8–27–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14797–001]

California Department of Water Resources; Notice of Waiver Period for Water Quality Certification Application

On August 19, 2021, California Department of Water Resources submitted to the Federal Energy Regulatory Commission (Commission) a copy of their application for a Clean Water Act section 401(a)(1) water quality certification filed with the California State Water Resources Control Board (California Water Board), in conjunction with the above captioned project. Pursuant to 40 CFR 121.6, we hereby notify the California Water Board of the following:

Date of Receipt of the Certification Request: August 19, 2021.

Reasonable Period of Time to Act on the Certification Request: One year.

Date Waiver Occurs for Failure to Act: August 19, 2022.

If the California Water Board fails or refuses to act on the water quality certification request by the above waiver date, then the agency's certifying authority is deemed waived pursuant to section 401(a)(1) of the Clean Water Act, 33 U.S.C. 1341(a)(1).

Dated: August 24, 2021.

Kimberly D. Bose,

Secretary.

[FR Doc. 2021–18619 Filed 8–27–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RC11–6–012]

North American Electric Reliability Corporation; Notice of Staff Review of Enforcement Programs

Commission staff coordinated with the staff of the North American Electric Reliability Corporation (NERC) to conduct the annual oversight of the Find, Fix, Track and Report (FFT) program, as outlined in the March 15, 2012 Order,[1] and the Compliance Exception (CE) Program, as proposed by NERC's September 18, 2015 annual Compliance Filing and accepted by delegated letter order.[2]

Commission and NERC staff reviewed a sample of 63 noncompliances—29 of 215 total FFT noncompliances and 34 of 1,103 total CE noncompliances posted by NERC between October 2019 and September 2020.

Commission staff found that the FFT and CE programs are meeting expectations. The Regional Entities appropriately included all 63 of the sampled noncompliances in the FFT and CE programs, and all 63 FFTs and CEs were adequately remediated and the root cause of each noncompliance was clearly identified. Commission staff also reviewed the supporting information for these FFT and CE noncompliances and agreed with the final risk determinations, which clearly identified the factors affecting the risk prior to mitigation (such as potential and actual risk) and actual harm. Finally, Commission staff noted that the FFTs and CE noncompliances sampled did not contain any material

[1] *North American Electric Reliability Corp.,* 138 FERC ¶ 61,193, at P 73 (2012) (discussing Commission plans to survey a random sample of FFTs submitted each year to gather information on how the FFT program is working).

[2] *North American Electric Reliability Corp.,* Docket No. RC11–6–004, at 1 (Nov. 13, 2015) (delegated order) (accepting NERC's proposal to combine the evaluation of CEs with the annual sampling of FFTs).

misrepresentations by the registered entities.

Dated: August 24, 2021.

Kimberly D. Bose,

Secretary.

[FR Doc. 2021–18613 Filed 8–27–21; 8:45 am]

BILLING CODE 6717–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (Act) (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the applications are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at *https://www.federalreserve.gov/foia/request.htm.* Interested persons may express their views in writing on the standards enumerated in paragraph 7 of the Act.

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue, NW, Washington, DC 20551–0001, not later than September 14, 2021.

A. Federal Reserve Bank of Minneapolis (Chris P. Wangen, Assistant Vice President), 90 Hennepin Avenue, Minneapolis, Minnesota 55480–0291:

1. *Daniel Otten, Hayward, Minnesota;* to retain voting shares of Minnesota Community Bancshares, Inc., Albert Lea, Minnesota; and thereby indirectly retain voting shares of Arcadian Bank, Hartland, Minnesota.

Additionally, Tony Kermes, Hayward, Minnesota; to become a member of the Otten Family Control Group, a group acting in concert, to acquire voting shares of Minnesota Community Bancshares, Inc., and thereby indirectly acquire voting shares of Arcadian Bank.

Board of Governors of the Federal Reserve System, August 24, 2021.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2021–18560 Filed 8–27–21; 8:45 am]

BILLING CODE P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at *https://www.federalreserve.gov/foia/request.htm.* Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)).

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue, NW, Washington, DC 20551–0001, not later than September 28, 2021.

A. Federal Reserve Bank of St. Louis (Holly A. Rieser, Manager) P.O. Box 442, St. Louis, Missouri 63166–2034. Comments can also be sent electronically to *Comments.applications@stls.frb.org:*

1. *Poplar Bluff Bancorp, Inc., Poplar Bluff, Missouri;* to become a bank holding company by acquiring First Missouri State Bank, Poplar Bluff, Missouri.

Board of Governors of the Federal Reserve System, August 24, 2021.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2021–18561 Filed 8–27–21; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Notice of Proposals To Engage in or To Acquire Companies Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y, (12 CFR part 225) to engage de novo, or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at *https://www.federalreserve.gov/foia/request.htm.* Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington, DC 20551–0001, not later than September 14, 2021.

A. Federal Reserve Bank of Chicago (Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. *Ottawa Bancorp, Inc., Ottawa, Illinois;* to engage in extending credit and servicing loans pursuant to section 225.28(b)(1) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, August 25, 2021.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2021–18620 Filed 8–27–21; 8:45 am]

BILLING CODE P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (Act) (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the applications are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at *https://www.federalreserve.gov/foia/request.htm.* Interested persons may express their views in writing on the standards enumerated in paragraph 7 of the Act.

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington, DC 20551–0001, not later than September 14, 2021.

A. *Federal Reserve Bank of Chicago* (Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. *The John Bradley Young, Sr., Marital Non-Exempt Trust, the John Bradley Young, Sr. Family Exempt Trust, the John Bradley Young, Sr. Marital Exempt Trust, the Jeff Young 2021 Irrevocable Trust, and the J. Bradley Young, Jr., 2021 Irrevocable Trust, Jeffrey T. Young, individually, and as trustee of the aforementioned trusts, all of Centerville, Iowa;* to retain voting shares of Bradley Bancorp, Inc., and thereby indirectly retain voting shares of Iowa Trust and Savings Bank, both of Centerville, Iowa.

In addition, the J. Bradley Young, Jr., Trust, Iowa Trust and Savings Bank, as trustee, and J. Bradley Young, Jr., as settlor with voting rights of Bradley Bancorp Inc., all of Centerville, Iowa; to form the Young Family Control Group, a group acting in concert. to retain voting shares of Bancorp, and thereby indirectly retain voting shares of the Bank.

Board of Governors of the Federal Reserve System, August 25, 2021.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2021–18656 Filed 8–27–21; 8:45 am]

BILLING CODE P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at *https://www.federalreserve.gov/foia/request.htm.* Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)).

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington, DC 20551–0001, not later than September 29, 2021.

A. Federal Reserve Bank of Chicago (Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. *Fentura Financial, Inc., Fenton, Michigan;* to acquire Farmers State Bank of Munith, Munith, Michigan.

Board of Governors of the Federal Reserve System, August 25, 2021.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2021–18618 Filed 8–27–21; 8:45 am]

BILLING CODE P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0062; Docket No. 2021–0053; Sequence No. 9]

Submission for OMB Review; Certain Federal Acquisition Regulation Part 36 Construction Contract Requirements

AGENCY: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice.

SUMMARY: Under the provisions of the Paperwork Reduction Act, the Regulatory Secretariat Division has submitted to the Office of Management and Budget (OMB) a request to review and approve a revision of a previously approved information collection requirements regarding certain Federal Acquisition Regulation (FAR) part 36 construction contract requirements.

DATES: Submit comments on or before September 29, 2021.

ADDRESSES: Written comments and recommendations for this information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under Review—Open for Public Comments'' or by using the search function. Additionally, submit a copy to GSA through *https://www.regulations.gov* and follow the instructions on the site. This website provides the ability to type short comments directly into the comment field or attach a file for lengthier comments.

Instructions: All items submitted must cite ''9000–0062, Certain Federal Acquisition Regulation Part 36 Construction Contract Requirements.'' Comments received generally will be posted without change to *https://www.regulations.gov,* including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check *https://www.regulations.gov* approximately two-to-three days after submission to verify posting. If there are difficulties submitting comments, contact the GSA Regulatory Secretariat Division at 202–501–4755 or *GSARegSec@gsa.gov.*

FOR FURTHER INFORMATION CONTACT: Jennifer Hawes, Procurement Analyst, at telephone 202–969–7386, or *jennifer.hawes@gsa.gov.*

SUPPLEMENTARY INFORMATION:

A. OMB control number, Title, and any Associated Form(s)

9000–0062, Certain Federal Acquisition Regulation Part 36 Construction Contract Requirements.

B. Need and Uses

This clearance covers the information that contractors must submit to comply with the following requirements in FAR part 36:

• *FAR 52.236–5, Material and Workmanship.* This clause requires the contractor to obtain contracting officer approval of the machinery, equipment, material, or articles to be incorporated into the work. The contractor's request must include: The manufacturer's name, the model number, and other information concerning the performance, capacity, nature, and rating of the machinery and mechanical and other equipment; and full information concerning the material or articles. When directed by the contracting officer, the contractor must submit sufficient information on and, in some cases, samples of the items requiring approval. The contracting officer uses this information to determine whether the machinery, equipment, material, or articles meet the standards of quality specified in the contract. A contracting officer may reject work if the contractor installs machinery, equipment, material, or articles in the work without obtaining the contracting officer's approval.

• *FAR 52.236–13, Accident Prevention, Alternate I.* This alternate to the basic clause requires the contractor to submit a written proposed plan to provide and maintain work environments and procedures that will safeguard the public and Government personnel, property, materials, supplies, and equipment exposed to contractor operations and activities; avoid interruptions of Government operations and delays in project completion dates; and control costs in the performance of this contract. The plan must include an analysis of the significant hazards to life, limb, and property inherent in contract work performance and a plan for controlling these hazards. The contracting officer and technical representatives analyze the Accident Prevention Plan to determine if the proposed plan will satisfy the safety requirements identified in the contract, to include certain provisions of the Occupational Safety and Health Act and applicable standards issued by the Secretary of Labor at 29 CFR part 1926 and 29 CFR part 1910.

• *FAR 52.236–15, Schedules for Construction Contracts.* This clause requires the contractor to prepare and submit to the contracting officer for approval three copies of a practicable schedule showing the order in which the contractor proposes to perform the work, and the dates on which the contractor contemplates starting and completing the several salient features of the work (including acquiring materials, plant, and equipment). The contracting officer uses this information to monitor progress under a federal construction contract when other management approaches for ensuring adequate progress are not used.

C. Annual Burden

Respondents: 4,412.
Total Annual Responses: 15,352.
Total Burden Hours: 12,034.

D. Public Comment

A 60-day notice was published in the **Federal Register** at 86 FR 30936, on June 10, 2021. No comments were received.

Obtaining Copies: Requesters may obtain a copy of the information collection documents from the GSA Regulatory Secretariat Division by calling 202–501–4755 or emailing *GSARegSec@gsa.gov.* Please cite OMB Control No. 9000–0062, Certain Federal Acquisition Regulation Part 36 Construction Contract Requirements.

Janet Fry,

Director, Federal Acquisition Policy Division, Office of Governmentwide Acquisition Policy, Office of Acquisition Policy, Office of Governmentwide Policy.

[FR Doc. 2021–18622 Filed 8–27–21; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–7064–N]

Announcement of the Advisory Panel on Outreach and Education (APOE) September 15, 2021 Virtual Meeting

AGENCY: Centers for Medicare & Medicaid Services (CMS), Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: This notice announces the next meeting of the APOE (the Panel) in accordance with the Federal Advisory Committee Act. The Panel advises and makes recommendations to the Secretary of the U.S. Department of Health and Human Services (HHS) (the Secretary) and the Administrator of the Centers for Medicare & Medicaid Services (CMS) on opportunities to enhance the effectiveness of consumer education strategies concerning the Health Insurance Marketplace®, Medicare, Medicaid, and the Children's Health Insurance Program (CHIP). This meeting is open to the public.

DATES:

Meeting Date: Wednesday, September 15, 2021 from 12:00 p.m. to 5:00 p.m. eastern daylight time (e.d.t).

Deadline for Meeting Registration, Presentations, Special Accommodations, and Comments: Wednesday, September 8, 2021, 5:00 p.m. (e.d.t).

ADDRESSES:

Meeting Location: Virtual. All those who RSVP will receive the link to attend.

Presentations and Written Comments: Presentations and written comments should be submitted to: Lisa Carr, Designated Federal Official (DFO), Office of Communications, Centers for Medicare & Medicaid Services, 200 Independence Avenue SW, Mailstop 325G HHH, Washington, DC 20201, 202–690–5742, or via email at *APOE@cms.hhs.gov.*

Registration: The meeting is open to the public, but attendance is limited to the space available. Persons wishing to attend this meeting must register at the website *https://www.eventbrite.com/e/apoe-september-15-2021-virtual-meeting-tickets-151113822511* or by contacting the DFO listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice, by the date listed in the **DATES** section of this notice. Individuals requiring sign language interpretation or other special accommodations should contact the DFO at the address listed in the **ADDRESSES** section of this notice by the date listed in the **DATES** section of this notice.

FOR FURTHER INFORMATION CONTACT: Lisa Carr, Designated Federal Official, Office of Communications, 200 Independence Avenue SW, Mailstop 325G HHH, Washington, DC 20201, 202–690–5742, or via email at *APOE@cms.hhs.gov.*

Additional information about the APOE is available at: *https://www.cms.gov/Regulations-and-Guidance/Guidance/FACA/APOE.* Press inquiries are handled through the CMS Press Office at (202) 690–6145.

SUPPLEMENTARY INFORMATION:

I. Background and Charter Renewal Information

A. Background

The Advisory Panel for Outreach and Education (APOE) (the Panel) is governed by the provisions of the Federal Advisory Committee Act (FACA) (Pub. L. 92–463), as amended (5 U.S.C. Appendix 2), which sets forth standards for the formation and use of federal advisory committees. The Panel is authorized by section 1114(f) of the Social Security Act (the Act) (42 U.S.C. 1314(f)) and section 222 of the Public Health Service Act (42 U.S.C. 217a).

The Secretary of the U.S. Department of Health and Human Services (HHS) (the Secretary) signed the charter establishing the Citizen's Advisory Panel on Medicare Education [1] (the predecessor to the APOE) on January 21, 1999 (64 FR 7899) to advise and make recommendations to the Secretary and the Administrator of the Centers for Medicare & Medicaid Services (CMS) on the effective implementation of national Medicare education programs, including with respect to the Medicare+Choice (M+C) program added by the Balanced Budget Act of 1997 (Pub. L. 105–33).

The Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (MMA) (Pub. L. 108–173) expanded the existing health plan options and benefits available under the M+C program and renamed it the Medicare Advantage (MA) program. CMS has had substantial responsibilities to provide information to Medicare beneficiaries about the range of health plan options available and better tools to evaluate these options. The successful MA program implementation required CMS to consider the views and policy input from a variety of private sector constituents and to develop a broad range of public-private partnerships.

In addition, Title I of the MMA authorized the Secretary and the Administrator of CMS (by delegation) to establish the Medicare prescription drug benefit. The drug benefit allows beneficiaries to obtain qualified prescription drug coverage. In order to effectively administer the MA program and the Medicare prescription drug benefit, we have substantial responsibilities to provide information to Medicare beneficiaries about the range of health plan options and benefits available, and to develop better tools to evaluate these plans and benefits.

The Patient Protection and Affordable Care Act (Pub. L. 111–148) and Health Care and Education Reconciliation Act of 2010 (Pub. L. 111–152) (collectively referred to as the Affordable Care Act) expanded the availability of other options for health care coverage and enacted a number of changes to Medicare as well as to Medicaid and CHIP. Qualified individuals and qualified employers are now able to purchase private health insurance coverage through a competitive marketplace, called an Affordable Insurance Exchange (also called Health Insurance Marketplace®, or Marketplace® [2]). In order to effectively implement and administer these changes, we must provide information to consumers, providers, and other stakeholders through education and outreach programs regarding how existing programs will change and the expanded range of health coverage options available, including private health insurance coverage through the Marketplace®. The APOE (the Panel) allows us to consider a broad range of views and information from interested audiences in connection with this effort and to identify opportunities to enhance the effectiveness of education strategies concerning the Affordable Care Act.

The scope of this Panel also includes advising on issues pertaining to the education of providers and stakeholders with respect to the Affordable Care Act and certain provisions of the Health Information Technology for Economic and Clinical Health (HITECH) Act enacted as part of the American Recovery and Reinvestment Act of 2009 (ARRA) (Pub. L. 111–5).

On January 21, 2011, the Panel's charter was renewed and the Panel was renamed the Advisory Panel for Outreach and Education. The Panel's charter was most recently renewed on January 19, 2021, and will terminate on January 19, 2023 unless renewed by appropriate action.

B. Charter Renewal

In accordance with the January 19, 2021, charter, the APOE will advise the HHS and CMS on developing and implementing education programs that support individuals who are enrolled in or eligible for Medicare, Medicaid, CHIP, or coverage available through the Health Insurance Marketplace® and other CMS programs. The scope of this FACA group also includes advising on education of providers and stakeholders with respect to health care reform and certain provisions of the HITECH Act enacted as part of the ARRA.

The charter will terminate on January 19, 2023, unless renewed by appropriate action. The APOE was chartered under 42 U.S.C. 217a, section 222 of the Public Health Service Act, as amended. The APOE is governed by provisions of Public Law 92–463, as amended (5 U.S.C. Appendix 2), which sets forth standards for the formation and use of advisory committees.

In accordance with the renewed charter, the APOE will advise the Secretary and the CMS Administrator concerning optimal strategies for the following:

- Developing and implementing education and outreach programs for individuals enrolled in, or eligible for, Medicare, Medicaid, the CHIP, and coverage available through the Health Insurance Marketplace® and other CMS programs.
- Enhancing the federal government's effectiveness in informing Medicare, Medicaid, CHIP, or the Health Insurance Marketplace® consumers, issuers, providers, and stakeholders, pursuant to education and outreach programs of issues regarding these programs, including the appropriate use of public-private partnerships to leverage the resources of the private sector in educating beneficiaries, providers, partners and stakeholders.
- Expanding outreach to vulnerable and underserved communities, including racial and ethnic minorities, in the context of Medicare, Medicaid, the CHIP and the Health Insurance Marketplace® education programs, and other CMS programs as designated.
- Assembling and sharing an information base of ''best practices'' for helping consumers evaluate health coverage options.
- Building and leveraging existing community infrastructures for information, counseling, and assistance.
- Drawing the program link between outreach and education, promoting consumer understanding of health care coverage choices, and facilitating consumer selection/enrollment, which in turn support the overarching goal of improved access to quality care, including prevention services, envisioned under the Affordable Care Act.

The current members of the Panel as of July 27, 2021, are: E. Lorraine Bell, Chief Officer, Population Health, Catholic Charities USA; Nazleen Bharmal, Medical Director of Community Partnerships, Cleveland Clinic; Julie Carter, Senior Federal

[1] We note that the Citizen's Advisory Panel on Medicare Education is also referred to as the Advisory Panel on Medicare Education (65 FR 4617). The name was updated in the Second Amended Charter approved on July 24, 2000.

[2] Health Insurance Marketplace®℠ and Marketplace®℠ are service marks of the U.S. Department of Health and Human Services.

Policy Associate, Medicare Rights Center; Scott Ferguson, Director of Care Transitions and Population Health, Mount Sinai St. Luke's Hospital; Leslie Fried, Senior Director, Center for Benefits Access, National Council on Aging; Jean-Venable Robertson Goode, Professor, Department of Pharmacotherapy and Outcomes Science, School of Pharmacy, Virginia Commonwealth University; Ted Henson, Director of Health Center Performance and Innovation, National Association of Community Health Centers; Joan Ilardo, Director of Research Initiatives, Michigan State University, College of Human Medicine; Cheri Lattimer, Executive Director, National Transitions of Care Coalition; Cori McMahon, Vice President, Tridiuum; Alan Meade, Director of Rehabilitation Services, Holston Medical Group; Michael Minor, National Director, H.O.P.E. HHS Partnership, National Baptist Convention USA, Incorporated; Jina Ragland, Associate State Director of Advocacy and Outreach, AARP Nebraska; Morgan Reed, Executive Director, Association for Competitive Technology; Margot Savoy, Chair, Department of Family and Community Medicine, Temple University Physicians; Congresswoman Allyson Schwartz, President and CEO, Better Medicare Alliance; and; Tia Whitaker, Statewide Director, Outreach and Enrollment, Pennsylvania Association of Community Health Centers.

II. Provisions of This Notice

In accordance with section 10(a) of the FACA, this notice announces a meeting of the APOE. The agenda for the September 15, 2021 meeting will include the following:

- Welcome and listening session with CMS leadership
- Recap of the previous (July 28, 2021) meeting
- CMS programs, initiatives, and priorities
- An opportunity for public comment
- Meeting summary, review of recommendations, and next steps

Individuals or organizations that wish to make a 5-minute oral presentation on an agenda topic should submit a written copy of the oral presentation to the DFO at the address listed in the **ADDRESSES** section of this notice by the date listed in the **DATES** section of this notice. The number of oral presentations may be limited by the time available. Individuals not wishing to make an oral presentation may submit written comments to the DFO at the address listed in the **ADDRESSES** section of this notice by the date listed in the **DATES** section of this notice.

III. Meeting Participation

The meeting is open to the public, but attendance is limited to registered participants. Persons wishing to attend this meeting must register at the website *https://www.eventbrite.com/e/apoe-september-15-2021-virtual-meeting-tickets-151113822511* or contact the DFO at the address or number listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice by the date specified in the **DATES** section of this notice. This meeting will be held virtually. Individuals who are not registered in advance will be unable to attend the meeting.

IV. Collection of Information

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. Chapter 35).

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. 2021–18472 Filed 8–27–21; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Community Living

Agency Information Collection Activities; Proposed Collection; Comment Request; National Center on Law and Elder Rights-Resource Support and User Satisfaction; OMB #0985–0060

AGENCY: Administration for Community Living, HHS.

ACTION: Notice.

SUMMARY: The Administration for Community Living (ACL) is announcing an opportunity for the public to comment on the proposed collection of information listed above. Under the Paperwork Reduction Act of 1995 (the PRA), Federal agencies are required to publish a notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on the information collection requirements relating to the National Center on Law and Elder Rights-Resource Support and user Satisfaction data collection used by ACL to provide aging, disability, and related legal professionals with training and complex case consultations and support for demonstration projects regarding contractually identified priority legal topics.

DATES: Comments on the collection of information must be submitted electronically by 11:59 p.m. (EST) or postmarked by October 29, 2021.

ADDRESSES: Submit electronic comments on the collection of information to: *Aiesha.Gurley@acl.hhs.gov.* Submit written comments on the collection of information to Administration for Community Living, Washington, DC 20201, Attention: Aiesha Gurley.

FOR FURTHER INFORMATION CONTACT: Aiesha Gurley, Administration for Community Living, Washington, DC 20201, (202) 795–7358 or by email: *Aiesha.Gurley@acl.hhs.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined as and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. The PRA requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, ACL is publishing a notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, ACL invites comments on our burden estimates or any other aspect of this collection of information, including:

(1) Whether the proposed collection of information is necessary for the proper performance of ACL's functions, including whether the information will have practical utility;

(2) the accuracy of ACL's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used to determine burden estimates;

(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 when appropriate, and other forms of information technology.

ACL contracts with a national legal assistance resource center, the National Center on Law and Elder Rights, to provide the required services. Through the contract, ACL provides aging, disability, and related legal professionals with training and complex case consultations and support for demonstration projects regarding contractually identified priority legal topics. The purpose of the information requested is for ACL to ensure that the resource center creates and prioritizes the training, case consultations and technical assistance resources it was contracted to provide and to ensure that the center targets the contractually designated aging network practitioners about the priority subject matters. This approach enables ACL to make data-informed decisions about the deployment of its resource center assets. These data are necessary for ACL to evaluate contractual compliance with established performance indicators.

These metrics include quantifiable increases in uptake by stakeholders of training, case consultation and technical assistance, and measures of satisfaction with and perceived benefit from these services. For example, the metrics measure successful problem resolution as a result of the services provided and quantifiable data on fulfillment of requests for training, technical assistance, and consultation related to the contractually designated legal and systems development topic areas. The information requested by ACL from legal and aging/disability professionals falls into the following areas: (1) Requests for training, case consultation, and technical assistance through an online, secure Uniform Resource Support Request Tool; (2) general requests for Legal Training (including the volume of Webinar registrations), Case Consultation.

To comment on this information collection please visit the ACL website: *https://www.acl.gov/about-acl/public-input.*

Estimated Program Burden

ACL estimates the burden associated with this collection of information as follows:

Respondent/data collection activity	Number of respondents	Minutes per response	Annual burden hours
Resource Support Requests	80	1 min 54 sec	2.53
Legal Training, Case Consultation, Technical Assistance Requests	14,000	1 min 42 sec	397
Outcome Measurement	3,500	1 min 3 sec	61.25
Total	17,580	4 min 39 sec	460.78

Dated: August 23, 2021.

Alison Barkoff,

Acting Administrator and Assistant Secretary for Aging.

[FR Doc. 2021–18590 Filed 8–27–21; 8:45 am]

BILLING CODE 4154–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Community Living

Agency Information Collection Activities; Proposed Collection; Comment Request; Process Evaluation of the Aging Network and Its Return on Investment; OMB #0985–New

AGENCY: Administration for Community Living, HHS.

ACTION: Notice.

SUMMARY: The Administration for Community Living (ACL) is announcing an opportunity for the public to comment on the proposed collection of information listed above. Under the Paperwork Reduction Act of 1995 (the PRA), Federal agencies are required to publish a notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on a revision to the information collection requirements related to the Process Evaluation of the Aging Network and its Return on Investment.

DATES: Comments on the collection of information submitted electronically by 11:59 p.m. (EST) or postmarked by October 29, 2021.

ADDRESSES: Submit written comments on the collection of information:

Attention: Caryn Bruyere, *Caryn.Bruyere@acl.hhs.gov.*

Via U.S. Mail Attention: Caryn Bruyere U.S. Department of Health and Human Services, Administration for Community Living, Washington, DC 20201.

FOR FURTHER INFORMATION CONTACT: Caryn Bruyere, Office of Performance and Evaluation. Administration for Community Living Telephone: 202–795–7393.

Email: caryn.bruyere@acl.hhs.gov.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined as agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. The PRA requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, ACL is publishing a notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, ACL invites comments on our burden estimates or any other aspect of this collection of information, including:

(1) Whether the proposed collection of information is necessary for the proper performance of ACL's functions, including whether the information will have practical utility;

(2) the accuracy of ACL's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used to determine burden estimates;

(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

when appropriate, and other forms of information technology.

Background: Many older adults have unmet health care and social service needs, which require coordinated care across a range of services, including access to nutritious meals, transportation, preventive health care, home and community-based care, social interaction, support for family caregivers, and advocacy to help maintain older adults' safety, dignity, and legal rights. This proposed data collection for the Process Evaluation of the Aging Network and its Return on Investment is intended to provide timely information on, (1) how agencies in the Aging Network collaborate to serve older adults and family caregivers, and (2) how agencies measure the effectiveness of their efforts with the goal of strengthening their reach and impact. Through this data collection ACL will investigate how states differ in their network structure, how agencies work together, and potential strategies for evaluating return on investments (ROI) of ACL programs.

The Process Evaluation of the Aging Network and its Return on Investment will include: (1) A census of agencies in the Aging Network, and (2) key informant interviews with agencies that are evaluating ROI. The survey seeks to collect data from all State Units on Aging (SUAs), Area Agencies on Aging (AAAs) (including some Aging and Disability Resource Centers), and Older Americans Act Title VI Native American tribal organizations. Surveying these organizations will help ACL understand how and with whom agencies in the network collaborate to address the needs of older adults and family caregivers, partnerships that have formed or expanded because of COVID–19, and how agencies measure the effectiveness and ROI of their various programs.

The study will also include key informant interviews with a subset of 10 agencies that responded to the survey whose responses indicate that their agency is evaluating ROI. The data collection team will ask in-depth questions about the costs and benefits included in ROI calculations, successes and challenges to evaluating ROI, and lessons learned that could benefit other agencies seeking to conduct their own assessment of ROI.

To comment on this information collection please visit the ACL website: *https://www.acl.gov/about-acl/public-input.*

Estimated Program Burden

ACL estimates the burden associated with this collection of information as follows: The proposed data collection estimates the average burden per response to be 0.17 hours for the Aging Network survey. The average burden per response for the key informant interviews estimated as 1 hour.

TABLE 1—ESTIMATED ANNUALIZED BURDEN HOURS

Data collection activity	Annual number of respondents	Number of responses per respondent	Total number of responses	Average burden per response (in hours)	Annual estimated burden hours
Aging Network survey	864	1	864	0.17	144
Key informant interview guide	10	1	10	1	10
Total	874	Varies	874	0.18 (weighted mean)	154

Dated: August 24, 2021.

Alison Barkoff,

Acting Administrator and Assistant Secretary for Aging.

[FR Doc. 2021–18588 Filed 8–27–21; 8:45 am]

BILLING CODE 4154–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2021–N–0790]

Breckenridge Pharmaceutical, Inc.; Withdrawal of Approval of Abbreviated New Drug Application for Solifenacin Succinate Tablets, 5 Milligrams and 10 Milligrams

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is withdrawing approval of the abbreviated new drug application (ANDA) for solifenacin succinate tablets, 5 milligrams (mg) and 10 mg, held by Breckenridge Pharmaceutical, Inc., 15 Massirio Dr., Berlin, CT 06037 (Breckenridge). Breckenridge requested withdrawal of this application and has waived its opportunity for a hearing.

DATES: Approval is withdrawn as of August 30, 2021.

FOR FURTHER INFORMATION CONTACT: Kimberly Lehrfeld, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6226, Silver Spring, MD 20993–0002, 301–796–3137, *Kimberly.Lehrfeld@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: On May 20, 2019, FDA approved ANDA 209818 for solifenacin succinate tablets, 5 mg and 10 mg, for the treatment of overactive bladder with symptoms of urge urinary incontinence, urgency, and urinary frequency. On January 23, 2020, Breckenridge issued a field alert report that solifenacin succinate tablets, 5 mg and 10 mg, may convert to solifenacin tartrate tablets during manufacturing due to an interaction between solifenacin succinate and tartartic acid, which is an inactive ingredient in this drug product's formulation. On January 24, 2020, Breckenridge executed a Class II Recall (Retail-Level) of all solifenacin succinate tablet product lots that were distributed to market. Breckenridge cannot market its solifenacin succinate tablet product under the current approval conditions for ANDA 209818. To the extent that its active ingredient has converted from solifenacin succinate to solifenacin tartrate, the product Breckenridge has distributed under ANDA 209818 is misbranded.

After discussions with FDA, on April 21, 2020, Breckenridge requested that FDA withdraw approval of ANDA 209818 for solifenacin succinate tablets under § 314.150(d) (21 CFR 314.150(d)) and waived its opportunity for a hearing. For the reasons discussed above, and in accordance with the applicant's request, approval of ANDA 209818 solifenacin succinate tablets, and all amendments and supplements thereto, is withdrawn under § 314.150(d). Distribution of solifenacin succinate tablets into interstate commerce without an approved application is illegal and subject to regulatory action (see sections 505(a)

and 301(d) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(a) and 331(d)).

Dated: August 17, 2021.

Lauren K. Roth,

Acting Principal Associate Commissioner for Policy.

[FR Doc. 2021–18586 Filed 8–27–21; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket Nos. FDA–2021–D–0603 and FDA–2021–D–0604]

Safety and Performance Based Pathway Device-Specific Guidances; Draft Guidances for Industry and Food and Drug Administration Staff; Availability

AGENCY: Food and Drug Administration, Health and Human Services (HHS).

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of two draft device-specific guidance documents for the Safety and Performance Based Pathway—specifically, ''Denture Base Resins—Performance Criteria for Safety and Performance Based Pathway; Draft Guidance for Industry and Food and Drug Administration Staff'' and ''Facet Screw Systems—Performance Criteria for Safety and Performance Based Pathway; Draft Guidance for Industry and Food and Drug Administration Staff.'' The device-specific guidances identified in this notice were developed in accordance with the finalized guidance entitled ''Safety and Performance Based Pathway.'' These draft guidance documents are not final nor are they in effect at this time.

DATES: Submit either electronic or written comments on the draft guidance by October 29, 2021 to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance.

ADDRESSES: You may submit comments on any guidance at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

• *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*

• If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

• *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

• For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2021–D–0603 for ''Denture Base Resins—Performance Criteria for Safety and Performance Based Pathway; Draft Guidance for Industry and Food and Drug Administration Staff'' and Docket No. FDA–2021–D–0604 for ''Facet Screw Systems—Performance Criteria for Safety and Performance Based Pathway; Draft Guidance for Industry and Food and Drug Administration Staff.'' Received comments will be placed in the dockets and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

• Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

An electronic copy of the guidance document is available for download from the internet. See the **SUPPLEMENTARY INFORMATION** section for information on electronic access to the guidance. Submit written requests for a single hard copy of the draft guidance document entitled ''Denture Base Resins—Performance Criteria for Safety and Performance Based Pathway; Draft Guidance for Industry and Food and Drug Administration Staff'' or ''Facet Screw Systems—Performance Criteria for Safety and Performance Based Pathway; Draft Guidance for Industry and Food and Drug Administration Staff'' to the Office of Policy, Guidance and Policy Development, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 5431, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your request.

FOR FURTHER INFORMATION CONTACT: Jason Ryans, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire

Ave., Bldg. 66, Rm. 1613, Silver Spring, MD 20993–0002, 301–796–4908.

SUPPLEMENTARY INFORMATION:

I. Background

These draft device-specific guidance documents provide performance criteria for premarket notification (510(k)) submissions to support the optional Safety and Performance Based Pathway, as described in the guidance entitled ''Safety and Performance Based Pathway.'' As described in that guidance, substantial equivalence is rooted in comparisons between new devices and predicate devices. However, the Federal Food, Drug, and Cosmetic Act does not preclude FDA from using performance criteria to facilitate this comparison. If a legally marketed device performs at certain levels relevant to its safety and effectiveness, and a new device meets those levels of performance for the same characteristics, FDA could find the new device as safe and effective as the legally marketed device. Instead of reviewing data from direct comparison testing between the two devices, FDA could support a finding of substantial equivalence with data demonstrating the new device meets the level of performance of an appropriate predicate device(s). Under this optional Safety and Performance Based Pathway, a submitter could satisfy the requirement to compare its device with a legally marketed device by, among other things, independently demonstrating that the device's performance meets performance criteria as established in the above-listed guidance documents, when finalized, rather than using direct predicate comparison testing for some of the performance characteristics.

These draft guidance documents are being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). These draft guidance documents, when finalized, will represent the current thinking of FDA on performance criteria for the Safety and Performance Based Pathway for ''Denture Base Resins'' and ''Facet Screw Systems.'' They do not establish any rights for any person and are not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

II. Electronic Access

Persons interested in obtaining a copy of the draft guidance may do so by downloading an electronic copy from the internet. A search capability for all Center for Devices and Radiological Health guidance documents is available at *https://www.fda.gov/medical-devices/device-advice-comprehensive-regulatory-assistance/guidance-documents-medical-devices-and-radiation-emitting-products.* These guidance documents are also available at *https://www.regulations.gov* and at *https://www.fda.gov/regulatory-information/search-fda-guidance-documents.* Persons unable to download an electronic copy of ''Denture Base Resins—Performance Criteria for Safety and Performance Based Pathway; Draft Guidance for Industry and Food and Drug Administration Staff (document number 20001)'' or ''Facet Screw Systems—Performance Criteria for Safety and Performance Based Pathway; Draft Guidance for Industry and Food and Drug Administration Staff (document number 21001)'' may send an email request to *CDRH-Guidance@fda.hhs.gov* to receive an electronic copy of the document. Please use the document number and complete title to identify the guidance you are requesting.

III. Paperwork Reduction Act of 1995

While these guidance documents contain no new collection of information, they do refer to previously approved FDA collections of information. Therefore, clearance by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3521) is not required for this guidance. The previously approved collections of information are subject to review by OMB under the PRA. The collections of information in the following FDA regulation and guidance have been approved by OMB as listed in the following table:

21 CFR part; guidance; or FDA form	Topic	OMB control No.
807, subpart E	Premarket notification	0910–0120
''Requests for Feedback and Meetings for Medical Device Submissions: The Q-Submission Program''.	Q-submissions; Pre-submissions	0910–0756

Dated: August 24, 2021.

Lauren K. Roth,

Acting Principal Associate Commissioner for Policy.

[FR Doc. 2021–18592 Filed 8–27–21; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2018–D–1216]

Electronic Common Technical Document; Data Standards; Specifications for Electronic Common Technical Document Validation Criteria

AGENCY: Food and Drug Administration, Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Food and Drug Administration's (FDA or Agency) Center for Drug Evaluation and Research (CDER) is announcing the date that FDA will begin rejecting submissions that fail either Electronic Common Technical Document (eCTD) validation 1551 or 1553, which are high severity validation errors as described in the Specifications for eCTD Validation Criteria. Validation errors 1551 and 1553 have been added to the Specifications for eCTD Validation Criteria.

DATES: Rejection for failing to pass either eCTD validation 1551 or 1553 under a submission to CDER will begin on October 18, 2021.

FOR FURTHER INFORMATION CONTACT: Jonathan Resnick, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 32, Rm. 3160, Silver Spring, MD 20993–0002, 301–796–7997, *Jonathan.Resnick@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: FDA's CDER is issuing this **Federal Register** notice to announce that eCTD validations 1551 and 1553 have been added to the Specifications for eCTD Validation Criteria (available at *https://www.fda.gov/media/87056/download*) as high validation errors. Beginning October 18, 2021, FDA will reject submissions that fail either of these validations.

Under section 745A(a) (21 U.S.C. 379k–1(a)) of the Federal Food, Drug, and Cosmetic Act (FD&C Act), at least 24 months after the issuance of a final guidance document in which FDA has

specified the electronic format for submitting certain submission types to the Agency, such content must be submitted electronically and in the format specified by FDA. According to the guidance for industry ''Providing Regulatory Submissions in Electronic Format—Certain Human Pharmaceutical Product Applications and Related Submissions Using the eCTD Specifications'' (available at *https://www.fda.gov/media/135373/download*), submissions subject to section 745A(a) of the FD&C Act must be submitted in eCTD format using the version of eCTD currently supported by FDA (unless such submission is exempt from the electronic submission requirements or if FDA has granted a waiver). The version of eCTD currently supported by FDA is specified in the Data Standards Catalog (available at *https://www.fda.gov/industry/fda-resources-data-standards/study-data-standards-resources*).

As described in the guidance for industry ''Providing Regulatory Submissions in Electronic and Non-Electronic Format—Promotional Labeling and Advertising Materials for Human Prescription Drugs'' (The Promotional Labeling Guidance) (available at *https://www.fda.gov/media/128163/download*), certain types of promotional-material-related submissions, including postmarketing submissions of promotional materials using Form FDA 2253 (required by § 314.81(b)(3)(i) (21 CFR 314.81(b)(3)(i)) and 21 CFR 601.12(f)(4)) (called 2253 submissions), fall within the scope of section 745A(a) of the FD&C Act and are, therefore, subject to the mandatory electronic submission requirements (unless such submission is exempt from the electronic submission requirements or if FDA has granted a waiver). The Promotional Labeling Guidance provides that 2253 submissions are required to be accompanied by a completed fillable Form FDA 2253. When submitting Form FDA 2253, firms must submit the most current product labeling, as required in § 314.81(b)(3)(i), under eCTD section 1.14.6, as described in the Promotional Labeling Guidance. Electronic Common Technical Document validations 1551 (''2253 submission does not include Product Labeling'') and 1553 (''The only valid FDA Form to include in a 2253 submission is FDA Form 2253'') describe parts of the eCTD specifications that were not followed correctly (see the Specifications for eCTD Validation Criteria, pp. 29 and 30, respectively). Submissions to CDER that are subject to section 745A(a) of the FD&C Act and fail to pass either eCTD validation 1551 or 1553 will begin being rejected on October 18, 2021.

Dated: August 20, 2021.

Lauren K. Roth,

Acting Principal Associate Commissioner for Policy.

[FR Doc. 2021–18587 Filed 8–27–21; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; 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 contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; NIAID 2021 DMID Omnibus BAA (HHS–NIH–NIAID–BAA2021–01) Research Area 001: Advanced Development of Vaccine Candidates for Biodefense and Emerging Infectious Diseases (1).

Date: September 20, 2021.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3E72A, Rockville, MD 20892 (Virtual Meeting).

Contact Person: Frank S. De Silva, 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 3E72A, Rockville, MD 20852, (240) 669–5023, *fdesilva@niaid.nih.gov.*

Name of Committee: National Institute of Allergy and Infectious Diseases, Special Emphasis Panel; NIAID 2021 DMID Omnibus BAA (HHS–NIH–NIAID–BAA2021–01) Research Area 001: Advanced Development of Vaccine Candidates for Biodefense and Emerging Infectious Diseases (2).

Date: September 22, 2021.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3E72A, Rockville, MD 20892 (Virtual Meeting).

Contact Person: Frank S. De Silva, 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 3E72A, Rockville, MD 20852, (240) 669–5023, *fdesilva@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 24, 2021.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–18564 Filed 8–27–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Agency Emergency Information Collection Clearance Request for Public Comment

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: In compliance with the requirement of the Paperwork Reduction Act of 1995 to provide opportunity for public comment on proposed data collection projects, the National Institutes of Health (NIH) will publish periodic summaries of proposed projects to be submitted to the Office of Management and Budget (OMB) for review and approval.

DATES: Comments on the information collection request must be received on or before 10 days of this published notice.

ADDRESSES: When commenting, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be submitted within 10 days. You may send your comments electronically to *http://www.regulations.gov.* Follow the instructions for ''Comment or Submission'' or ''More Search Options'' to find the information collection document(s) that are accepting comments.

FOR FURTHER INFORMATION CONTACT: To obtain a copy of the data collection plans and instruments, submit comments in writing, or request more information on the proposed project, contact: Ms. Mikia P. Currie, Office of

Policy for Extramural Research Administration, 6705 Rockledge Drive, 8th Floor Room 803, Bethesda, Maryland 20892, or call a non-toll-free number 301–435–0941 or Email your request, including your address to *ProjectClearanceBranch@mail.nih.gov*. Formal requests for additional plans and instruments must be requested in writing.

SUPPLEMENTARY INFORMATION: Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 requires: Written comments and/or suggestions from the public and affected agencies are invited to address one or more of the following points: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Title of the Collection: NIH COVID–19 Vaccine Attestation Intake Form.

Type of Collection: Emergency.

OMB Number: 0925–NEW.

Abstract: The U.S. Office of Personnel Management (OPM) approved the U.S. Department of Health and Human Services' (HHS) request for a variation to a strict application of 5 CFR 339.205 under 5 CFR.1 to promote the efficiency of the Government. Under this variation, HHS may use the authority under 5 CFR 339.205 to mandate COVID–19 vaccinations authorized under Emergency Use Authorizations (EUA) for its patient-facing health care personnel, including its health care applicants and employees, who work in Indian Health Service (IHS) medical facilities, National Institutes of Health (NIH) clinical research facilities, or other HHS facilities that provide direct patient care or clinical research. In addition, the Safer Federal Workforce Task Force created by President Biden's Executive Order 13991 has instructed Federal Agencies to inquire about the COVID–19 vaccination status of federal employees and on-site contractors. The NIH now has a COVID–19 vaccination requirement for persons working in Building 10 on the Bethesda campus, those with patient contact, or probable patient contact. The proposed information collection will be used to ensure compliance with these requirements, generate the list of persons required to be tested on a routine basis, and will provide important information regarding safety frameworks, guidance, and procedures.

The purpose of the information collection is to promote the safety of the federal workplace consistent with the above-referenced authorities, the COVID–19 Workplace Safety: Agency Model Safety Principles established by the Safer Federal Workforce Task Force, and guidance from the Centers for Disease Control and Prevention (CDC) and the Occupational Safety and Health Administration (OSHA).

ESTIMATED ANNUALIZED BURDEN TABLE

Type of collection	Number of respondents	Number responses per respondent	Average burden per response (in hours)	Total burden hours
NIH COVID–19 Vaccine Attestation intake form	31,000	1	5/60	2,583
Total		31,000		2,583

Dated: August 24, 2021.

Lawrence A. Tabak,

Principal Deputy Director, National Institutes of Health.

[FR Doc. 2021–18636 Filed 8–27–21; 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 Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of meetings of the National Advisory Allergy and Infectious Diseases Council.

The meeting will be open to the public. The open session will be videocast and can be accessed from the NIH Videocasting and Podcasting website (*http://videocast.nih.gov*). Individuals who need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The 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 Advisory Allergy and Infectious Diseases Council

Date: September 13, 2021

Open: 10:30 a.m. to 11:30 a.m.

Agenda: Report of Institute Director

Place: National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 4G30 Rockville, MD 20892 (Virtual Meeting).

Closed: 11:45 a.m. to 12:00 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 4G30 Rockville, MD 20892 (Virtual Meeting).

Contact Person: Matthew J. Fenton, Ph.D., Director, Division of Extramural Activities, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 4F50, Bethesda, MD, 20892 301–496–7291, *fentonm@niaid.nih.gov.*

Name of Committee: National Advisory Allergy and Infectious Diseases Council Acquired Immune Deficiency Syndrome Subcommittee.

Date: September 13, 2021.

Open 8:30 a.m. to 10:15 a.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 4G30, Rockville, MD 20832 (Virtual Meeting).

Open: 1:00 p.m. to 4:00 p.m.

Agenda: Report of Division Director and Division Staff.

Place: National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 4G30, Rockville, MD 20892 (Virtual Meeting).

Contact Person: Matthew J. Fenton, Ph.D., Director, Division of Extramural Activities, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 4F50, Bethesda, MD

20892, 301–496–7291, *fentonm@niaid.nih.gov.*

Name of Committee: National Advisory Allergy and Infectious Diseases Council Microbiology and Infectious Diseases Subcommittee.

Date: September 13, 2021.

Closed: 8:30 a.m. to 10:15 a.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Allergy and Infectious Diseases, National Institutes of Health 5601 Fishers Lane, Room 4G30, Rockville, MD 20892 (Virtual Meeting).

Open: 1:00 p.m. to 4:00 p.m.

Agenda: Report of Division Director and Division Staff.

Place: National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 4G30, Rockville, MD 20892 (Virtual Meeting).

Contact Person: Matthew J. Fenton, Ph.D., Director, Division of Extramural Activities, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 4F50, Bethesda, MD 20892, 301–496–7291, *fentonm@niaid.nih.gov.*

Name of Committee: National Advisory Allergy and Infectious Diseases Council Immunology and Transplantation Subcommittee.

Date: September 13, 2021.

Closed: 8:30 a.m. to 10:15 a.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 4G30Rockville, MD 20892 (Virtual Meeting).

Open: 1:00 p.m. to 4:00 p.m.

Agenda: Report of Division Director and Division Staff.

Place: National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 4G30, Rockville, MD 20892 (Virtual Meeting).

Contact Person: Matthew J. Fenton, Ph.D., Director, Division of Extramural Activities, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 4F50, Bethesda, MD 20892, 301–496–7291, *fentonm@niaid.nih.gov.*

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

Information is also available on the Institute's/Center's home page: *www.niaid.nih.gov/about/advisory-council,* where an agenda and any additional information for the meeting will be posted when available.

(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 25, 2021.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–18649 Filed 8–27–21; 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 Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the AIDS Research Advisory Committee, NIAID.

The meeting will be open to the public. The open session will be videocast and can be accessed from the NIH Videocasting and Podcasting website (*http://videocast.nih.gov*). Individuals who need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

Name of Committee: AIDS Research Advisory Committee, NIAID.

Date: September 13, 2021.

Time: 1:00 p.m. to 4:00 p.m.

Agenda: Report of Division Director and Division Staff.

Place: National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 8D49, Rockville, MD 20892 (Virtual Meeting).

Contact Person: Pamela Gilden, Branch Chief, Science Planning and Operations Branch, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 8D49, Rockville, MD 20852–9831, 301–594–9954, *pamela.gilden@nih.gov.*

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

(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 25, 2021.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–18647 Filed 8–27–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2021–0629; Control Number 1625–0003]

Information Collection Request to Office of Management and Budget; OMB

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 approval of an extension for the following collection of information: 1625–0003, Recreational Boating Accident Report; 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 29, 2021.

ADDRESSES: You may submit comments identified by Coast Guard docket number [USCG–2021–0629] 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–2021–0629], and must be received by October 29, 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: Recreational Boating Accident Report.

OMB Control Number: 1625–0003.

Summary: The Coast Guard Boating Accident Report form is the data collection instrument that ensures compliance with the implementing regulations and Title 46 U.S.C. 6102(b) that requires the Secretary to collect, analyze and publish reports, information, and statistics on marine casualties.

Need: Title 46 U.S.C. 6102(a) requires a uniform marine casualty reporting system, with regulations prescribing casualties to be reported and the manner of reporting. The statute requires a state to compile and submit to the Secretary (delegated to the Coast Guard) reports, information, and statistics on casualties reported to the State. Implementing regulations are contained in Title 33, Code of Federal Regulations, SUBCHAPTER S—BOATING SAFETY, PART 173—VESSEL NUMBERING AND CASUALTY AND ACCIDENT REPORTING, Subpart C—Casualty and Accident Reporting and Part 174—STATE NUMBERING AND CASUALTY REPORTING SYSTEMS, Subpart C—Casualty Reporting System Requirements, and Subpart D—State reports.

States are required to forward copies of the reports or electronically transmit accident report data to the Coast Guard within 30 days of their receipt of the report as prescribed by 33 CFR 174.121 (Forwarding of casualty or accident reports). The accident report data and statistical information obtained from the reports submitted by the State reporting authorities are used by the Coast Guard in the compilation of national recreational boating accident statistics.

Forms: CG–3865, Recreational Boating Accident Report.

Respondents: Federal regulations (33 CFR 173.55) require the operator of any uninspected vessel that is numbered or used for recreational purposes to submit an accident report to the State authority when:

(1) A person dies; or

(2) A person is injured and requires medical treatment beyond first aid; or

(3) Damage to the vessel and other property totals $2,000 or more, or there is a complete loss of the vessel; or

(4) A person disappears from the vessel under circumstances that indicate death or injury.

Frequency: On occasion.

Hour Burden Estimate: The estimated burden remains unchanged at 2,500 hours a year.

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. 2021–18580 Filed 8–27–21; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Extension of the Section 321 Data Pilot

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

ACTION: General notice.

SUMMARY: This notice announces that U.S. Customs and Border Protection (CBP) is extending the Section 321 Data Pilot through August 2023.

DATES: The voluntary pilot initially began on August 22, 2019, and will run for an additional 24 months through August 2023. At this time, the pilot is limited to a maximum of nine participants.

ADDRESSES: Prospective pilot participants should submit an email to *ecommerce@cbp.dhs.gov.* In the subject line of your email please state ''Application for Section 321 Data Pilot.'' For information on what to include in the email, see section II.D (Application Process and Acceptance) of the notice published in the **Federal Register** on July 23, 2019 (84 FR 35405).

FOR FURTHER INFORMATION CONTACT: Laurie Dempsey, Director, IPR & E-Commerce Division at *laurie.b.dempsey@cbp.dhs.gov* or 202–615–0514 and Daniel Randall, Director, Manifest & Conveyance Security at *daniel.j.randall@cbp.dhs.gov* or 202–344–3282.

SUPPLEMENTARY INFORMATION:

I. Background

Section 321 of the Tariff Act of 1930, as amended, provides for an exemption from duty and taxes for shipments of merchandise imported by one person on one day having an aggregated fair retail value in the country of shipment not less than $800. 19 U.S.C. 1321(a)(2)(C). On July 23, 2019, CBP published a general notice in the **Federal Register** (84 FR 35405) (hereafter referred to as the ''July 2019 notice'') introducing a voluntary Section 321 Data Pilot. Pilot participants agree to transmit electronically certain data in advance

for shipments potentially eligible for release under Section 321 of the Tariff Act of 1930 (''section 321 shipments''). The data pilot tests the feasibility of collecting data elements, beyond those required by current regulations, and from non-traditional entities, such as online marketplaces. The purpose of this data pilot is to improve CBP's ability to target efficiently and assess the security risks posed by section 321 shipments.

The July 2019 notice provided a comprehensive description of the program and its purpose, eligibility requirements, and the application process for participation. 84 FR 35405. Specifically, the July 2019 notice stated that the data pilot applied only to section 321 shipments arriving by air, truck, or rail and was set to conclude on August 22, 2020. 84 FR 35405. On December 9, 2019, CBP published another notice in the **Federal Register** (84 FR 67279) (hereafter referred to as the ''December 2019 notice''). This notice expanded the pilot to include section 321 shipments arriving by ocean and international mail covered in 19 CFR part 145, extended the pilot through August 2021, and provided clarification with respect to the misconduct portion of the data pilot. 84 FR 67279.

II. Extension of the Section 321 Data Pilot Period

CBP will extend the test for another two years to continue further evaluation of the 321 Data Pilot program and the risks associated with section 321 shipments. The pilot will now run through August 2023.

III. Applicability of Initial Test Notice

All provisions found in the July 2019 notice remain applicable, subject to the time period extension herein and the amendments provided in the December 2019 notice. Furthermore, CBP reiterates that it is not waiving any regulations for purposes of the pilot. All existing regulations continue to apply to pilot participants.

IV. Signing Authority

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

Dated: August 25, 2021.

Robert F. Altneu,

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

[FR Doc. 2021–18655 Filed 8–27–21; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Declaration Zone Test

AGENCY: U.S. Customs and Border Protection, DHS.

ACTION: General notice.

SUMMARY: This document announces that U.S. Customs and Border Protection (CBP) will conduct a Declaration Zone test at cruise terminal facilities at participating sea ports of entry (POEs) to fulfill a regulatory declaration requirement and allow for streamlined processing. Current CBP regulations require each traveler to provide an oral or written declaration of all articles brought into the United States to a CBP officer. The test will provide arriving travelers with an alternative method to meet this requirement by allowing a demonstrative initial declaration. During the test, CBP will establish two queues for travelers entering the country to choose from: Items to Declare or No Items to Declare. Known as Declaration Zones, these queues will allow travelers entering the country to make their initial declaration simply by choosing which queue to enter. This notice describes the test, while setting forth requirements for participating in the test, the duration of the test, and how CBP will evaluate the test. This notice also invites public comment on any aspect of the test.

DATES: The test will begin no earlier than September 27, 2021, and will run for approximately two years. The start date may vary at each location in accordance with the resumption of passenger operations suspended due to COVID–19.

ADDRESSES: Written comments concerning program, policy, and technical issues may be submitted at any time during the test period via email to *simplifytravel@cbp.dhs.gov*. Please use ''Comment on Declaration Zone Test'' in the subject line of the email.

FOR FURTHER INFORMATION CONTACT: Sung Hyun Ha, Acting Director, Sea Innovation, Mobility, and Biometric Advancement, Office of Field Operations, *sung.hyun.ha@cbp.dhs.gov* or (202) 215–9429.

SUPPLEMENTARY INFORMATION:

Background and Purpose

Current CBP regulations require each traveler to provide an oral or written declaration of all articles brought into the United States to a CBP officer. *See* part 148, subpart B of title 19 of the Code of Federal Regulations (19 CFR part 148, subpart B). At a sea POE cruise terminal facility, travelers collect their luggage and subsequently proceed through a queuing process (dependent on the facility). A CBP officer then verifies the traveler's identity against the traveler's travel documents. The CBP officer also takes an oral declaration or collects a written declaration via CBP Form 6059B if a traveler completes one. *See* 19 CFR 148.12 and 148.13. The CBP officer then determines whether the declaration requires a payment of duty or further examination. If either are required, the CBP officer refers the traveler to secondary inspection. When personnel are available, CBP officers also perform roving enforcement operations within the baggage area and egress area. At any point prior to exiting the facility, a traveler may be questioned by a CBP officer and referred for secondary inspection. Travelers referred to secondary inspection may be directed to complete CBP Form 6059B.

In recent years, cruise ship capacities have increased to over 8500 passengers and crew per ship. Accordingly, new and innovative methods of processing are necessary. CBP has partnered with cruise lines to deploy facial comparison technology to verify biometrically the identities of expected travelers and crew upon arrival to the United States. The voluntary facial biometric debarkation (FBD) program replaces manual comparisons between travelers and their travel documents. To participate in the FBD program, cruise lines must provide enhanced data including select reservation, manifest, and voyage information directly to CBP that will be used for targeting and enforcement vetting. Enhanced targeting coupled with biometric verification of identity facilitates the ability for CBP officers to shift focus from administrative tasks to roving enforcement operations. This shift allows for amplified enforcement operations while enabling the growing flow of travelers through size-constrained facilities.

The greater capacity for enforcement that results from participation in the FBD program would also allow for further streamlining processing through the implementation of declaration

zones. Declaration zones are an established concept in several countries whereby travelers provide an initial declaration via selection of a departure queue. Declaration zones facilitate the processing of travelers by separating those who need to go directly to a CBP officer for additional processing from those who do not. With declaration zones, travelers select from one of two clearly marked departure queues, either that they have items to declare or no items to declare. This selection acts as travelers' initial declaration simply through the queue that they choose. This addition of a physical, demonstrative form of declaration would allow CBP officers to shift focus from conducting administrative tasks such as taking oral declarations from compliant, low-risk, and highly vetted travelers to roving enforcement operations. Roving officers would be able to use their observation skills, as well as their knowledge of trends and smuggling techniques, to actively monitor and select individuals for inspection.

The Declaration Zone Test

CBP will conduct a Declaration Zone Test to fulfill the declaration requirement under CBP regulations, while also allowing for streamlined processing. Current CBP regulations require each traveler to provide an oral or written declaration of all articles brought into the United States to a CBP officer. *See* 19 CFR part 148, subpart B. The test will provide arriving travelers with an alternative method to meet this requirement by allowing a demonstrative initial declaration through the use of declaration zones at cruise terminal facilities at certain sea POEs.

Description and Procedures

Within a cruise terminal facility, two distinct customs declaration zone queues will be established for entering the egress area: one for *No Items to Declare* and another for *Items to Declare.* Signage will be posted to clearly label the queues at the entrance to the egress area after travelers collect their luggage. The physical act of selecting the *No Items to Declare* queue or the *Items to Declare* queue in and of itself will constitute an initial demonstrative declaration. CBP officers will conduct roving enforcement operations within the baggage collection and egress area to ensure traveler compliance.

No Items To Declare Queue

Travelers who determine they have nothing to declare will enter the *No Items to Declare* queue and proceed through the egress area to the facility exit. CBP officers will conduct roving operations in the *No Items to Declare* zone to affirm traveler compliance, receive oral declarations, and make referrals to secondary inspection as necessary. Travelers who are not questioned by CBP officers conducting roving operations proceed to the exit.

Items To Declare Queue

Travelers with items to declare will enter the *Items to Declare* queue and will present before a CBP officer to make an oral declaration. The CBP officer will make a determination if duty is owed by the traveler or if additional inspection is warranted. The CBP officer will then direct the traveler accordingly.

Referral to Secondary Inspection

If a traveler is referred to secondary inspection at any point, CBP officers will follow standard procedures, including collecting oral and/or written declarations during the referral and inspection. CBP officers will also follow current agency policy on declaration amendment opportunities.

Eligibility and Participation Requirements

The test allowing demonstrative declaration to be an acceptable declaration method will begin at two sea POEs: Miami, Florida, and Bayonne, New Jersey. CBP may choose to expand this test to other sea POEs during the two-year test period. Any such expansion will be announced on the CBP website, *https://www.cbp.gov.* The test will be restricted to closed loop cruises participating in FBD.

CBP will provide directional signage for use in the implementation of the declaration zones. Port management will coordinate with the port authority/terminal managers for the printing and posting of the directional signage and establishing the corresponding queues. The signage is ancillary to the statutory signage currently posted within cruise terminal facilities and the Federal Inspection Services (FIS) area. These directional signs will facilitate the declaration zone process and help travelers understand the expectation when entering a specific queue.

CBP will also work with each cruise line at eligible POEs to develop educational materials to provide to travelers regarding U.S. customs declaration responsibilities and how travelers should navigate both the FBD process and declaration zones.

Authorization for the Test

The test described in this notice is authorized pursuant to 19 CFR 101.9(a), which allows the Commissioner of CBP to impose requirements different from those specified in the CBP Regulations for purposes of conducting a test program or procedure designed to evaluate the effectiveness of new operational procedures regarding the processing of passengers. This test is authorized pursuant to this regulation as it is designed to evaluate whether allowing a demonstrative initial declaration is a feasible way to fulfill the declaration requirement and allow for streamlined processing.

Waiver of Certain Regulatory Requirements

CBP regulations require each traveler to provide an oral or written declaration of all articles brought into the United States to a CBP officer. *See* 19 CFR 148.12 and 148.13. The test will provide arriving travelers with an alternative method to meet this requirement by allowing a demonstrative initial declaration. All other requirements of 19 CFR part 148, subpart B, regarding declarations, including those provided by 19 CFR 148.18, regarding failure to declare, and 19 CFR 148.19, regarding false or fraudulent statements, still apply.

Duration of Test

This test will run for approximately two years, beginning no earlier than September 27, 2021. The start date may vary at each location in accordance with the resumption of passenger operations suspended due to COVID–19. While the test is ongoing, CBP will evaluate the results and determine whether the test will be extended or otherwise modified. CBP reserves the right to discontinue this test at any time in CBP's sole discretion. CBP will announce any modifications to the duration of the test by notice in the **Federal Register**.

Evaluation of Declaration Zone Test

CBP will use the results of this test to assess the operational feasibility of allowing an initial demonstrative declaration to be an acceptable declaration method. CBP will evaluate this test based on a number of criteria, including:

- Evaluation of cruise line customer satisfaction surveys gathering feedback on the debarkation process; and
- Comparison of year-over-year enforcement statistics for each test period to ensure no impact to duty collection or to the frequency of enforcement activities.

Paperwork Reduction Act

The Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3507(d)) requires that CBP consider the impact of paperwork and other information collection burdens imposed on the public. As there is no new collection of information required in this document, the provisions of the PRA are inapplicable.

Signing Authority

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

Dated: August 25, 2021.

Robert F. Altneu,

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

[FR Doc. 2021–18584 Filed 8–27–21; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7038–N–16; OMB Control No.: 2502–0619]

60-Day Notice of Proposed Information Collection: COVID–19 Supplemental Payment Requests

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date:* October 29, 2021.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW, Room 4176, Washington, DC 20410–5000; telephone 202–402–3400 (this is not a toll-free number) or email at *Colette.Pollard@hud.gov* for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; email Colette Pollard at *Colette.Pollard@hud.gov* or telephone 202–402–3400. This is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: COVID–19 Supplemental Payment Requests.

OMB Approval Number: 2502–0619.

OMB Expiration Date: 09/30/2021.

Type of Request: Revision of a currently approved collection.

Form Number: HUD Form 52671–E.

Description of the need for the information and proposed use: The proposed Form 52671–E will be completed by owners of properties with Section 8 Housing Assistance Payment contracts, Section 202 and Section 811 Project Rental Assistance contracts, Section 202/162 Project Assistance contracts, and Section 202 Senior Preservation Rental Assistance contacts, who wish to receive a supplemental payment to offset operating cost increases to prevent, prepare, and respond to the effects of COVID–19.

Respondents: Business or other for-profit.

Estimated Number of Respondents: 4,150.

Estimated Number of Responses: 12,450.

Frequency of Response: 3.

Average Hours per Response: 1.1 hours per response.

Total Estimated Burden: 13,695.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

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

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

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

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

C. Authority

Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 3507.

Janet M. Golrick,

Acting, Chief of Staff for the Office of Housing—Federal Housing Administration.

[FR Doc. 2021–18563 Filed 8–27–21; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[212 LLHQ640000L18200000.XP0000; OMB Control No. 1004–0204]

Agency Information Collection Activities; Bureau of Land Management Resource Advisory Council Application

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (PRA), the Bureau of Land Management (BLM) proposes to renew an information collection.

DATES: Interested persons are invited to submit comments on or before September 29, 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: To request additional information about

this information collection request (ICR), contact Carrie M. Richardson, BLM National Advisory Council Coordinator, by email at *crichardson@blm.gov.* Individuals who are hearing or speech impaired may call the Federal Relay Service at 1–800–877–8339 for TTY assistance. You may also view the ICR at *http://www.reginfo.gov/public/do/PRAMain.*

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995 (PRA, 44 U.S.C. 3501 *et seq.*) and 5 CFR 1320.8(d)(1), we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

A **Federal Register** notice with a 60-day public comment period soliciting comments on this collection of information was published on April 5, 2021 (86 FR 17635). No comments were received.

As part of our continuing effort to reduce paperwork and respondent burdens, we are again soliciting comments from the public and other Federal agencies on the proposed ICR that is described below. We are especially interested in public comment addressing the following:

(1) Whether or not the collection of information is necessary for the proper performance of the functions of the agency, including whether or not the information will have practical utility;

(2) The accuracy of our estimate of the burden for this collection of information, including the validity of the methodology and assumptions used;

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

(4) How might the agency minimize the burden of the collection of information on those who are to respond, including 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. 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 BLM collects the information on the Resource Advisory Council Application (Form No. 1120–19) to determine education, training, and experience related to possible service on advisory committees established under the authority of Section 309 of the Federal Land Policy and Management Act (43 U.S.C. 1739) and the Federal Advisory Committee Act, 5 U.S.C. App. 2. This information is necessary to ensure that each advisory council is structured to provide fair membership balance, both geographic and interest-specific, in terms of the functions to be performed and points of view to be represented, as prescribed by its charter. OMB's approval for the collection of information under this OMB control number is scheduled to expire on October 31, 2021. This request is for OMB to renew this OMB control number for an additional three (3) years.

Title of Collection: Bureau of Land Management Resource Advisory Council Application (43 CFR Subpart 1784).

OMB Control Number: 1004–0204.

Form Number: 1120–19.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Persons who apply for positions on Resource Advisory Councils.

Total Estimated Number of Annual Respondents: 200.

Total Estimated Number of Annual Responses: 200.

Estimated Completion Time per Response: 4 hours.

Total Estimated Number of Annual Burden Hours: 800.

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: On occasion.

Total Estimated Annual Nonhour Burden Cost: None.

An agency may not conduct or sponsor and, notwithstanding any other provision of law, a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Darrin King,

Information Collection Clearance Officer.

[FR Doc. 2021–18573 Filed 8–27–21; 8:45 am]

BILLING CODE 4310–84–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLES962000 L14400000 BJ0000 212]

Notice of Filing of Plats of Survey; Eastern States

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of official filing.

SUMMARY: The plats of surveys of the following described lands are scheduled to be officially filed 30 calendar days from the date of this publication in the Bureau of Land Management (BLM), Eastern States State Office, Falls Church, Virginia. The surveys, executed at the request of the BLM and National Park Service, are necessary for the management of these lands.

DATES: Unless there are protests of this action, the plats described in this notice will be filed on September 29, 2021.

ADDRESSES: You may submit written notices of protest to the State Director, BLM Eastern States, 5275 Leesburg Pike, Falls Church, VA 22041.

FOR FURTHER INFORMATION CONTACT: F. David Radford, Chief Cadastral Surveyor for Eastern States; (703) 558–7759; email; *fradford@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339 to contact the above individual during normal business hours. The service is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The plat incorporating the field notes of the dependent resurvey of a portion of the subdivisional lines, a portion of the adjusted record meanders, and the survey of the subdivision of section 9, Township 36 North, Range 19 West, Michigan Meridian, Michigan, was accepted September 30, 2020.

The plat incorporating the field notes of the dependent resurvey of Tract 10–104 of the Virgin Islands National Park, in the Estate of Annaberg, Maho Bay Quarter, on the Island of St. John, in the U.S. Virgin Islands, was accepted September 30, 2020.

The plat incorporating the field notes of the dependent resurvey of Tract 03–157 of the Virgin Islands National Park, in the Estate of Haulover, No. 5 East End Quarter, on the Island of St. John, in the U.S. Virgin Islands, was accepted September 30, 2020.

A person or party who wishes to protest a survey must file a written notice of protest within 30 calendar

days from the date of this publication at the address listed in the **ADDRESSES** section of this notice. A notice of protest is considered filed on the date it is received by the State Director for Eastern States during regular business hours; if received after regular business hours, a notice of protest will be considered filed the next business day. Any notice of protest filed after the scheduled date of official filing will be untimely and will not be considered. A statement of reasons for the protest may be filed with the notice of protest and must be filed within 30 calendar days after the protest is filed. If a notice of protest against the survey is received prior to the date of official filing, the filing will be stayed pending consideration of the protest. A plat will not be officially filed until the next business day after all protests have been dismissed or otherwise resolved.

Before including your address, phone number, email address, or other personal identifying information in your notice of protest or statement of reasons, please be aware that your entire protest, including your personal identifying information may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

A copy of the described plats will be placed in the open files, and available to the public, as a matter of information.

(Authority: 43 U.S.C. Chap. 3.)

F. David Radford,

Chief Cadastral Surveyor for Eastern States.

[FR Doc. 2021–18612 Filed 8–27–21; 8:45 am]

BILLING CODE 4310–GJ–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRNHL–DTS#–32515; PPWOCRADI0, PCU00RP14.R50000]

National Register of Historic Places; Notification of Pending Nominations and Related Actions

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The National Park Service is soliciting electronic comments on the significance of properties nominated before August 21, 2021, for listing or related actions in the National Register of Historic Places.

DATES: Comments should be submitted electronically by September 14, 2021.

ADDRESSES: Comments are encouraged to be submitted electronically to *National_Register_Submissions@nps.gov* with the subject line ''Public Comment on <property or proposed district name, (County) State>.'' If you have no access to email you may send them via U.S. Postal Service and all other carriers to the National Register of Historic Places, National Park Service, 1849 C Street NW, MS 7228, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Sherry A. Frear, Chief, National Register of Historic Places/National Historic Landmarks Program, 1849 C Street NW, MS 7228, Washington, DC 20240, *sherry_frear@nps.gov,* 202–913–3763.

SUPPLEMENTARY INFORMATION: The properties listed in this notice are being considered for listing or related actions in the National Register of Historic Places. Nominations for their consideration were received by the National Park Service before August 21, 2021. Pursuant to Section 60.13 of 36 CFR part 60, comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Nominations submitted by State or Tribal Historic Preservation Officers:

CALIFORNIA

Los Angeles County

Malaga Cove Plaza. Roughly bounded by Palos Verdes Drive West, Vía Tejon, Vía Corta, and Malaga Ln., Palos Verdes Estates, SG100007016

San Diego County

Institute of Geophysics and Planetary Physics, 8800 Biological Grade, La Jolla, SG100007011

IDAHO

Bannock County

Bethel Baptist Church (African American Civil Rights in Idaho MPS) 401 North 5th Ave., Pocatello, MP100007013

Latah County

Mountain Home Grange Hall (The Grange in Idaho MPS), 1044 Mountain Home Rd., Potlatch vicinity, MP100007014

KANSAS

Dickinson County

Union Electric Warehouse, 205 South Cedar St., Abilene, SG100007020

Douglas County

Griffin, Andrew Jackson (A.J.) and Mary Carrol, House (Lawrence, Kansas MPS), 645 Connecticut St., Lawrence, MP100007021

Geary County

First Presbyterian Church of Junction City, 113 West 5th St., Junction City, SG100007028

Johnson County

LeCluyse, William and Julia, House, 5810 Cody St., Shawnee, SG100007023

Mt. Pleasant Four Corners Burying Grounds, Four Corners Rd. (east side) approx., ½ mi. north of 167th St., Gardner vicinity, SG100007024

Neosho County

First Christian Church, 120 West 1st St., Erie, SG100007025

Rice County

Rice County Jail and Sheriff's Residence, 120 East Main St., Lyons, SG100007026

First Christian Church, 115 Courthouse Plz., Manhattan, SG100007029

Riley County

Forrester, F.B., House, 410 North Juliette Ave., Manhattan, SG100007022

Dawson's Conoco Service Station (Roadside Kansas MPS), 1026 Poyntz Ave., Manhattan, MP100007027

MISSISSIPPI

Jackson County

Scranton Historic District, (Pascagoula MPS), Roughly bounded by Krebs Ave., Pascagaula St., Convent Ave., and Frederic St., Pascagoula, MP100007019

Lowndes County

South Columbus Historic District (Boundary Increase/Decrease), Roughly bounded by Main and College Sts., 3rd and 4th Aves. South, 9th' 15th, South 7th and 1st Sts., Tombigbee R., Columbus, BC100007035

NEW YORK

Tompkins County

CG 40300 (motor lifeboat), USCGAUX Flotilla 2–2, 508 Taughannock Blvd., Ithaca, SG100007018

WISCONSIN

Brown County

Daviswood Ranch Homes Historic District, 800–868 East St. Francis Rd., 802–879 West St. Francis Rd., De Pere, SG100007032

Grant County

Coates, Leonard and Caroline, House, 2050 Southwest Rd., Platteville, SG100007031

A request for removal has been made for the following resource:

SOUTH DAKOTA

McPherson County

Hoffman, Amos, House, SD 10, Leola, OT86001476

Additional documentation has been received for the following resources:

MISSISSIPPI

Lowndes County

South Columbus Historic District (Additional Documentation). Roughly bounded by Main and College Sts., 3rd and 4th Aves. South, 9th' 15th, South 7th, and 1st Sts., Tombigbee R., Columbus, AD82003104

SOUTH DAKOTA

Lawrence County

Lead Historic District (Boundary Increase II) (Boundary Decrease) (Additional Documentation). Roughly bounded by the Open Pit, Glendale Dr., West McClellan St. and Homestake Mine complex, Lead, AD100006688

Authority: Section 60.13 of 36 CFR part 60.

Dated: August 24, 2021.

Sherry A. Frear,

Chief, National Register of Historic Places/ National Historic Landmarks Program.

[FR Doc. 2021–18651 Filed 8–27–21; 8:45 am]

BILLING CODE 4312–52–P

INTERNATIONAL TRADE COMMISSION

[No. 337–TA–1068 (Rescission)]

Certain Microfluidic Devices Investigation; Notice of the Commission's Determination To Institute a Rescission Proceeding; To Rescind Permanently a Limited Exclusion Order and a Cease and Desist Order; Termination of Rescission Proceeding

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to institute a rescission proceeding and rescind the remedial orders issued in the underlying investigation. The rescission proceeding is terminated.

FOR FURTHER INFORMATION CONTACT: Ronald A. Traud, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–3427. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.* General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: On September 6, 2017, the Commission instituted this investigation based on a complaint filed by Bio-Rad Laboratories, Inc. of Hercules, CA; and Lawrence Livermore National Security, LLC of Livermore, CA (collectively, ''Bio-Rad''). 82 FR 42115 (Sept. 6, 2017). The complaint alleged violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (''section 337''), based upon the importation into the United States, the sale for importation, or the sale within the United States after importation of certain microfluidic devices by reason of infringement certain claims of U.S. Patent Nos. 9,500,664 (''the '664 patent''); 9,089,844 (''the '844 patent''); 9,636,682 (''the '682 patent''); 9,649,635 (''the '635 patent''); and 9,126,160 (''the '160 patent''). *Id.* The Commission's Notice of Investigation named as the sole respondent 10X Genomics, Inc. of Pleasanton, CA (''10X''). *Id.* The Office of Unfair Import Investigations (''OUII'') was also named as a party to this investigation. *Id.* The Commission subsequently terminated the investigation as to the '844 patent. Order No. 19 (Mar. 6, 2018); *unreviewed by* Notice (Apr. 16, 2018).

On September 20, 2018, the presiding administrative law judge issued the final initial determination (''ID''). The ID found a violation of section 337 by virtue of 10X's infringement of the '664, '682, and '635 patents. The ID found that 10X had not established a violation with respect to the '160 patent. On December 4, 2018, the Commission determined to review various findings in the ID. 83 FR 63672 (Dec. 11, 2018).

On December 18, 2019, the Commission found a violation of section 337 with respect to the '664, '682, and '635 patents. 84 FR 70999 (Dec. 26, 2019). The Commission also found no violation of section 337 with respect to the '160 patent. *Id.* Having found a violation of section 337, and upon consideration of the statutory public interest factors, the Commission determined to issue a limited exclusion order (''LEO'') prohibiting further importation of 10X's infringing microfluidic devices and a cease and desist order (''CDO'') against 10X. *Id.* On May 28, 2021, in an appeal initiated by Bio-Rad, the U.S. Court of Appeals for the Federal Circuit affirmed the Commission's final determination. *Bio-Rad Labs., Inc.* v. *Int'l Trade Comm'n,* 998 F.3d 1320 (Fed. Cir. 2021).

On July 26, 2021, Bio-Rad and 10X entered into a settlement agreement that resolved the disputes concerning the subject matter of this investigation. Thereafter, on July 28, 2021, Bio-Rad and 10X jointly petitioned for rescission of the Commission's remedial orders under section 337(k) (19 U.S.C. 1337(k)) and Commission Rule 210.76(a) (19 CFR 210.76(a)). On August 6, 2021, OUII filed a response in support of the rescission petition.

The Commission has determined that the petition complies with Commission rules, *see* 19 CFR 210.76(a)(3), and that there are no extraordinary reasons to deny rescission of the remedial orders. Accordingly, the Commission has determined to institute a rescission proceeding and to permanently rescind the LEO and the CDOs. The rescission proceeding is hereby terminated.

The Commission's vote on this determination took place on August 25, 2021.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in part 210 of the Commission's Rules of Practice and Procedure (19 CFR 210).

By order of the Commission.

Issued: August 25, 2021.

Katherine Hiner,

Supervisory Attorney.

[FR Doc. 2021–18654 Filed 8–27–21; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation N. 337–TA–1100 (Rescission)]

Certain Microfluidic Systems and Components Thereof and Products Containing Same; Notice of the Commission's Determination To Institute a Rescission Proceeding; To Rescind Permanently a Limited Exclusion Order and a Cease and Desist Order; Termination of Rescission Proceeding

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to institute a rescission proceeding, rescind the remedial orders issued in the underlying investigation, and to terminate the rescission proceeding.

FOR FURTHER INFORMATION CONTACT: Benjamin S. Richards, Esq., Office of the

General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 708–5453. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.* General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: On February 21, 2018, the Commission instituted this investigation based on a complaint filed by 10X Genomics, Inc. of Pleasanton, CA (''10X''). 83 FR 7491 (Feb. 21, 2018). The complaint alleged violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain microfluidic systems and components thereof and products containing same by reason of infringement of one or more claims of U.S. Patent Nos. 9,644,204 (''the '204 patent''); 9,689,024 (''the '024 patent''); 9,695,468 (''the '468 patent''); and 9,856,530 (''the '530 patent''). *Id.* The Commission's notice of investigation named as the sole respondent Bio-Rad Laboratories, Inc. of Hercules, CA (''Bio-Rad''). *Id.* The Office of Unfair Import Investigations (''OUII'') is participating in this investigation. *Id.*

On July 12, 2019, the presiding administrative law judge issued the final initial determination (''ID''). The ID found a violation of section 337 by virtue of Bio-Rad's indirect infringement of the '024, the '468, and the '530 patents. The ID found that 10X had not established a violation with respect to the '204 patent. On October 17, 2019, the Commission determined to review various findings in the ID. Following its review, on February 12, 2020, the Commission found a violation of section 337 with respect the '024 patent; the '468 patent; and the '530 patent. 85 FR 9479 (Feb. 19, 2020). The Commission also found no violation of section 337 with respect to the '204 patent.

Having found a violation of section 337, and upon consideration of the statutory public interest factors, the Commission determined to issue a limited exclusion order prohibiting further importation of Bio-Rad's infringing microfluidic systems and a cease and desist order against Bio-Rad. *Id.* On April 29, 2021, in an appeal initiated by Bio-Rad, the U.S. Court of Appeals for the Federal Circuit affirmed the Commission's final determination. *Bio-Rad Laboratories, Inc.* v. *Int'l Trade Comm'n,* 996 F.3d 1302 (Fed. Cir. 2021).

On July 26, 2021, 10X and Bio-Rad entered into a settlement agreement that resolved the disputes concerning the subject matter of this investigation. Thereafter, on July 28, 2021, 10X and Bio-Rad jointly petitioned for rescission of the Commission's remedial orders under 19 U.S.C. l337(k) and Commission Rule 210.76(a) (19 CFR 210.76(a)). On August 9, 2021, OUII filed a response in support of 10X and Bio-Rad's rescission petition.

The Commission has determined that the petition complies with Commission rules, *see* 19 CFR 210.76(a)(3), and that there are no extraordinary reasons to deny rescission of the remedial orders. Accordingly, the Commission has determined to institute a rescission proceeding and to permanently rescind the LEO and the CDO. The rescission proceeding is hereby terminated.

The Commission's vote on this determination took place on August 25, 2021.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in part 210 of the Commission's Rules of Practice and Procedure (19 CFR 210).

By order of the Commission.

Issued: August 25, 2021.

Katherine Hiner,

Supervisory Attorney.

[FR Doc. 2021–18664 Filed 8–27–21; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1104 (Modification)]

Certain Multi-Domain Test and Measurement Instruments; Notice of Commission Determination To Institute a Modification Proceeding and Modify Three Consent Orders; Termination of the Modification Proceeding

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to institute a modification proceeding and modify three consent orders issued in the underlying investigation to exclude certain products subject to a settlement agreement. The modification proceeding is terminated.

FOR FURTHER INFORMATION CONTACT: Lynde Herzbach, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–3228. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.* General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: On March 16, 2018, the Commission instituted this investigation under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (''section 337''), based on a complaint filed by Tektronix, Inc. of Beaverton, Oregon (''Tektronix''). *See* 83 FR 11790 (Mar. 16, 2018). The complaint alleges a violation of section 337 based upon the importation into the United States, sale for importation, or sale after importation into the United States of certain multi-domain test and measurement instruments by reason of infringement of certain claims of U.S. Patent No. 8,521,460 and U.S. Patent No. 8,675,719 (''the Asserted Patents''). *Id.* The notice of investigation names three respondents: Rohde & Schwartz GmbH & Co. KG of Munich, Germany; Rohde & Schwartz Vertriebs GmbH of Munich, Germany; and Rohde & Schwartz USA, Inc. of Columbia, Maryland (collectively, ''R&S''). *Id* at 11791.

On August 10, 2018, the Commission issued a consent order to each of the three respondents. Order No. 12 (Jul. 13, 2018), *unreviewed by* Notice (Aug. 10, 2018). The three consent orders prohibit R&S from selling for importation or selling after importation certain accused multi-domain test and measurement instruments that were alleged to infringe the asserted claims of the Asserted Patents. Following issuance of the consent orders, the investigation proceeded with respect to the remaining accused products.

On September 17, 2018, the Commission terminated the investigation in view of the consent orders and Tektronix's unopposed motion to terminate the investigation in its entirety based on withdrawal of the

complaint as to any remaining accused products. Order No. 16 (Aug. 24, 2018), *unreviewed by* 83 FR 47937–38 (Sept. 21, 2018).

On February 10, 2020, Tektronix and R&S filed a petition pursuant to Commission Rule 210.76 (19 CFR 210.76) to rescind in-part the three consent orders with respect to certain covered products based on a settlement agreement.

Having reviewed the petition, the Commission has determined that the petition complies with Commission Rule 210.76 (19 CFR 210.76), and that there are no extraordinary reasons to deny modification of the consent orders. Accordingly, the Commission has determined to institute a modification proceeding and to modify the three consent orders. Specifically, the three consent orders are rescinded in-part to the extent the orders cover R&S's RTM and RTA line of oscilloscopes with a proposed ''K37 Option'' and to the extent the orders cover R&S products other than oscilloscopes.

The modification proceeding is terminated.

The Commission vote for this determination took place on August 24, 2021.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in Part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: August 23, 2021.

Katherine Hiner,

Supervisory Attorney.

[FR Doc. 2021–18570 Filed 8–27–21; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

[OMB Number 1125–NEW]

Agency Information Collection Activities; Proposed Collection; Comments Requested; Notice of Entry of Limited Appearance for Document Assistance Before the Board of Immigration Appeals; and Notice of Entry of Limited Appearance for Document Assistance Before the Immigration Court

AGENCY: Executive Office for Immigration Review, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Executive Office for Immigration Review, Department of Justice (DOJ), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until October 29, 2021.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Lauren Alder Reid, Assistant Director, Office of Policy, Executive Office for Immigration Review, 5107 Leesburg Pike, Suite 2500, Falls Church, VA 22041, telephone: (703) 305–0289.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Enhance the quality, utility, and clarity of the information to be collected; and/or

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

1 *Type of Information Collection:* New collection.

2 *The Title of the Form/Collection:* Notice of Entry of Limited Appearance for Document Assistance Before the Board of Immigration Appeals; and Notice of Entry of Limited Appearance for Document Assistance Before the Immigration Court.

3 *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* The form numbers are EOIR–60 and EOIR–61, Executive Office for Immigration Review, United States Department of Justice.

4 *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Attorneys and Representatives; Pro Se Respondents in proceedings before EOIR. Other: None. Abstract: This information collection is necessary to allow an attorney or representative to notify the Board or the Immigration Court that he or she is entering a limited appearance to assist a pro se respondent with a legal filing or other document to be filed with EOIR. Pursuant to the Notice of Proposed Rulemaking, Professional Conduct for Practitioners—Rules and Procedures, and Representation and Appearances, 85 FR 61640 (Sept. 30, 2020), the agency indicated that it intended to revise in accordance with the rulemaking the currently approved Form EOIR–26, Notice of Appeal from a Decision of an Immigration Judge; Form EOIR–27, Notice of Entry of Appearance as Attorney or Representative Before the Board of Immigration Appeals; and Form EOIR–28, Notice of Entry of Appearance as Attorney or Representative Before the Immigration Court. However, after further consideration, the agency has determined that a separate stand-alone form for the entry of a limited appearance before each adjudicatory component would be the most appropriate method for the collection of this information. The separate forms EOIR–60 and EOIR–61 are intended to provide greater clarity to the practitioners using the forms, the pro se respondents who are only engaging with the practitioners in a limited capacity, and for the EOIR staff processing the forms.

5 *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* At this time, it is difficult for EOIR to estimate the total receipts it will receive for this new collection. Pursuant to the NPRM, EOIR estimated the total receipts would be at least as many receipts as received for the other two representation forms for the entry of appearance before the Immigration Court (Form EOIR–28) and the Board of Immigration Appeals (Form EOIR–27). These forms are used for attorneys or representatives who wish to appear on behalf of a respondent in pending proceedings, and remain the representative of record for the duration of the case. Those forms are not used for limited appearance purposes, but EOIR expects that at least some of those practitioners will enter limited appearances to assist respondents with document filings. So as not to under

estimate the burden, EOIR will assume that it will receive as many entries for limited appearances as it does for full appearances—the total number of respondents for the Forms EOIR–60 and EOIR–61 are therefore expected to be 841,029 (the total receipts for the EOIR–27 (53,816) and EOIR–28 (787,213) for FY2019 as provided in the NPRM). The estimated average time to review and complete the forms is six minutes.

6 *An estimate of the total public burden (in hours) associated with the collection:* The total public burden of these revised collections are estimated to be 84,102.9 burden hours annually ((for Form EOIR–27, 53,816 respondents (FY 2019) × 1 response per respondent × 6 minutes per response = 5,381.6 burden hours) + (for Form EOIR–28, 787,213 respondents (FY 2019) × 1 response per respondent × 6 minutes per response = 78,721.3 burden hours) = 84,102.9 burden hours).

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 3E.405B, Washington, DC 20530.

Dated: August 25, 2021.

Melody D. Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2021–18591 Filed 8–27–21; 8:45 am]

BILLING CODE 4410–30–P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Survey of Respirator Use and Practices

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Bureau of Labor Statistics (BLS)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before September 29, 2021.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

Comments are invited on: (1) Whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) if the information will be processed and used in a timely manner; (3) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (4) ways to enhance the quality, utility and clarity of the information collection; and (5) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT: Mara Blumenthal by telephone at 202–693–8538, or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: The Survey of Respirator Use and Practices (SRUP) is a nationwide survey that the Bureau of Labor Statistics (BLS) will conduct at the request of the National Institute for Occupational Safety and Health (NIOSH). Data collection for the SRUP will start in early 2022. In 2001, NIOSH partnered with BLS to conduct the first voluntary Survey of Respirator Use and Practices. This survey revealed important insights into respiratory use and hazards in the U.S. used by researchers, policy advisors, and regulators to further the mission of protecting U.S. workers from airborne hazards. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on March 11, 2021 (86 FR 13914).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL–BLS.

Title of Collection: Survey of Respirator Use and Practices.

OMB Control Number: 1220–0171.

Affected Public: Private Sector: Businesses or other for-profits.

Total Estimated Number of Respondents: 90,000.

Total Estimated Number of Responses: 90,000.

Total Estimated Annual Time Burden: 42,750 hours.

Total Estimated Annual Other Costs Burden: $0.

Authority: 44 U.S.C. 3507(a)(1)(D).

Dated: August 24, 2021.

Mara Blumenthal,

Senior PRA Analyst.

[FR Doc. 2021–18604 Filed 8–27–21; 8:45 am]

BILLING CODE 4510–24–P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Request To Be Selected as Payee

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Office of Workers' Compensation Programs (OWCP)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before September 29, 2021.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

Comments are invited on: (1) Whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) if the information will be processed and used in a timely manner; (3) the accuracy of the agency's estimates of the burden and cost of the collection of information,

including the validity of the methodology and assumptions used; (4) ways to enhance the quality, utility and clarity of the information collection; and (5) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT: Mara Blumenthal by telephone at 202–693–8538, or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: The Black Lung Benefits Act, 30 U.S.C. 901 and its implementing regulations, 20 CFR 725.513(a), 725.533(e), authorize this information collection. If a beneficiary is incapable of handling his/her affairs, the person or institution responsible for their care is required to apply to receive the benefit payments on the beneficiary's behalf. The CM 910 is the form completed by representative payee applicants. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on June 24, 2021 (86 FR 33375).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL–OWCP.

Title of Collection: Request to be Selected as Payee.

OMB Control Number: 1240–0010.

Affected Public: Individuals or Households.

Total Estimated Number of Respondents: 200.

Total Estimated Number of Responses: 200.

Total Estimated Annual Time Burden: 50 hours.

Total Estimated Annual Other Costs Burden: $80.

Authority: 44 U.S.C. 3507(a)(1)(D).

Dated: August 24, 2021.

Mara Blumenthal,

Senior PRA Analyst.

[FR Doc. 2021–18603 Filed 8–27–21; 8:45 am]

BILLING CODE 4510–CK–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

[NARA–21–0012; NARA–2021–044]

Records Schedules; Availability and Request for Comments

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice of availability of proposed records schedules; request for comments.

SUMMARY: The National Archives and Records Administration (NARA) publishes notice of certain Federal agency requests for records disposition authority (records schedules). We publish notice in the **Federal Register** and on regulations.gov for records schedules in which agencies propose to dispose of records they no longer need to conduct agency business. We invite public comments on such records schedules.

DATES: NARA must receive comments by October 14, 2021.

ADDRESSES: You may submit comments by the following method. You must cite the control number, which appears on the records schedule in parentheses after the name of the agency that submitted the schedule.

- *Federal eRulemaking Portal: http://www.regulations.gov.*

Due to COVID–19 building closures, we are currently temporarily not accepting comments by mail. However, if you are unable to comment via *regulations.gov*, you may contact *request.schedule@nara.gov* for instructions on submitting your comment.

FOR FURTHER INFORMATION CONTACT: Kimberly Keravuori, Regulatory and External Policy Program Manager, by email at *regulation_comments@nara.gov.* For information about records schedules, contact Records Management Operations by email at *request.schedule@nara.gov,* by mail at the address above, or by phone at 301–837–1799.

SUPPLEMENTARY INFORMATION:

Public Comment Procedures

We are publishing notice of records schedules in which agencies propose to dispose of records they no longer need to conduct agency business. We invite public comments on these records schedules, as required by 44 U.S.C. 3303a(a), and list the schedules at the end of this notice by agency and subdivision requesting disposition authority.

In addition, this notice lists the organizational unit(s) accumulating the records or states that the schedule has agency-wide applicability. It also provides the control number assigned to each schedule, which you will need if you submit comments on that schedule. We have uploaded the records schedules and accompanying appraisal memoranda to the *regulations.gov* docket for this notice as ''other'' documents. Each records schedule contains a full description of the records at the file unit level as well as their proposed disposition. The appraisal memorandum for the schedule includes information about the records.

We will post comments, including any personal information and attachments, to the public docket unchanged. Because comments are public, you are responsible for ensuring that you do not include any confidential or other information that you or a third party may not wish to be publicly posted. If you want to submit a comment with confidential information or cannot otherwise use the *regulations.gov* portal, you may contact *request.schedule@nara.gov* for instructions on submitting your comment.

We will consider all comments submitted by the posted deadline and consult as needed with the Federal agency seeking the disposition authority. After considering comments, we will post on *regulations.gov* a ''Consolidated Reply'' summarizing the comments, responding to them, and noting any changes we have made to the proposed records schedule. We will then send the schedule for final approval by the Archivist of the United States. You may elect at *regulations.gov* to receive updates on the docket, including an alert when we post the Consolidated Reply, whether or not you submit a comment. If you have a question, you can submit it as a comment, and can also submit any concerns or comments you would have to a possible response to the question. We will address these items in consolidated replies along with any other comments submitted on that schedule.

We will post schedules on our website in the Records Control Schedule (RCS) Repository, at *https://www.archives.gov/records-mgmt/rcs,* after the Archivist approves them. The

RCS contains all schedules approved since 1973.

Background

Each year, Federal agencies create billions of records. To control this accumulation, agency records managers prepare schedules proposing retention periods for records and submit these schedules for NARA's approval. Once approved by NARA, records schedules provide mandatory instructions on what happens to records when no longer needed for current Government business. The records schedules authorize agencies to preserve records of continuing value in the National Archives or to destroy, after a specified period, records lacking continuing administrative, legal, research, or other value. Some schedules are comprehensive and cover all the records of an agency or one of its major subdivisions. Most schedules, however, cover records of only one office or program or a few series of records. Many of these update previously approved schedules, and some include records proposed as permanent.

Agencies may not destroy Federal records without the approval of the Archivist of the United States. The Archivist grants this approval only after thorough consideration of the records' administrative use by the agency of origin, the rights of the Government and of private people directly affected by the Government's activities, and whether or not the records have historical or other value. Public review and comment on these records schedules is part of the Archivist's consideration process.

Schedules Pending

1. Department of Defense, Defense Logistics Agency, Environmental and Hazardous Materials Management Records (DAA–0361–2021–0011).

2. Department of Defense, Defense Logistics Agency, Human Resource Management Records (DAA–0361–2021–0022).

3. Department of Health and Human Services, Administration for Children and Families, Technical Assistance Records (DAA–0292–2021–0003).

4. Department of Transportation, Federal Aviation Administration, Automatic Dependent Surveillance-Broadcast Service Availability Prediction Tool (DAA–0237–2020–0002).

5. Department of Transportation, Federal Aviation Administration, Survey Study Records (DAA–0237–2019–0004).

6. National Archives and Records Administration, Agency-wide, Engagement and Public Affairs Records (DAA–0064–2018–0008).

Laurence Brewer,

Chief Records Officer for the U.S. Government.

[FR Doc. 2021–18578 Filed 8–27–21; 8:45 am]

BILLING CODE 7515–01–P

NATIONAL SCIENCE FOUNDATION

Notice of Permit Applications Received Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of permit applications received.

SUMMARY: The National Science Foundation (NSF) is required to publish a notice of permit applications received to conduct activities regulated under the Antarctic Conservation Act of 1978. NSF has published regulations under the Antarctic Conservation Act in the Code of Federal Regulations. This is the required notice of permit applications received.

DATES: Interested parties are invited to submit written data, comments, or views with respect to this permit application by September 29, 2021. This application may be inspected by interested parties at the Permit Office, address below.

ADDRESSES: Comments should be addressed to Permit Office, Office of Polar Programs, National Science Foundation, 2415 Eisenhower Avenue, Alexandria, Virginia 22314 or *ACApermits@nsf.gov.*

FOR FURTHER INFORMATION CONTACT: Polly Penhale, ACA Permit Officer, at the above address, 703–292–7420.

SUPPLEMENTARY INFORMATION: The National Science Foundation, as directed by the Antarctic Conservation Act of 1978 (Pub. L. 95–541, 45 CFR 670), as amended by the Antarctic Science, Tourism and Conservation Act of 1996, has developed regulations for the establishment of a permit system for various activities in Antarctica and designation of certain animals and certain geographic areas a requiring special protection. The regulations establish such a permit system to designate Antarctic Specially Protected Areas.

Application Details

Permit Application: 2022–008

1. *Applicant:* Jonathan Schwartz, 411 Walnut St., #12926, Green Cove Springs, FL 32043

Activity for Which Permit is Requested: Waste management. The applicant seeks an Antarctic Conservation Act permit for a planned yacht-based expedition to the Antarctic Peninsula Region between December 2021 and March 2022. Activities include shore landings, photography, and wildlife viewing. Designated pollutants that would be generated during the trip include air emissions, wastewater (urine, grey water) and solid waste (food waste, human solid waste, and packaging materials). Human waste and grey water would be disposed of in offshore waters, complying with the provisions of Article 5 of Annex III and Article 6 of Annex IV of MARPOL Protocol. Food waste will either be macerated and discharged at least 12 miles from shore or ice shelves or stored aboard the vessel for disposal at port. All other wastes would be kept for proper disposal at the end of the expedition. The applicant also plans to use Unoccupied Arial Systems (UAS) for navigational purposes and occasional photography. UAS will be launched, recovered, and piloted from the primary vessel and mitigation measures are in place to minimize potential loss of the aircraft as well as to prevent possible disturbances to wildlife.

Location: Western Antarctic Peninsula.

Dates of Permitted Activities: December 26, 2021–April 1, 2022.

Erika N. Davis,

Program Specialist, Office of Polar Programs.

[FR Doc. 2021–18582 Filed 8–27–21; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–237 and 50–249; NRC–2021–0155]

Exelon Generation Company, LLC, Dresden Nuclear Power Station, Units 2 and 3

AGENCY: Nuclear Regulatory Commission.

ACTION: Exemption; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing an exemption in response to a September 28, 2020, request from Exelon Generation Company, LLC. The exemption allows either a licensed senior operator or a certified fuel handler to approve the emergency suspension of security measures for Dresden Nuclear Power Station, Units 2 and 3 during certain emergency

conditions or during severe weather after both the certification of permanent cessation of operations and the certification of permanent fuel removal have been docketed for the facility.

DATES: The exemption was issued on August 23, 2021.

ADDRESSES: Please refer to Docket ID NRC–2021–0155 when contacting the NRC about the availability of information regarding this document. You may obtain publicly available information related to this document using any of the following methods:

- *Federal Rulemaking website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2021–0155. Address questions about Docket IDs in *Regulations.gov* to Stacy Schumann; telephone: 301–415–0624; email: *Stacy.Schumann@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.
- *Attention:* The PDR, where you may examine and order copies of public documents, is currently closed. You may submit your request to the PDR via email at *pdr.resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737, between 8:00 a.m. and 4:00 p.m. (ET), Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Joel S. Wiebe, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–6606; email: *Joel.Wiebe@nrc.gov.*

SUPPLEMENTARY INFORMATION: The text of the exemption is attached.

Dated: August 25, 2021.

For the Nuclear Regulatory Commission.

Joel S. Wiebe,

Senior Project Manager, Plant Licensing Branch III, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

Attachment: Exemption

NUCLEAR REGULATORY COMMISSION

Docket Nos. 50–237 and 50–249

Exelon Generation Company, LLC; Dresden Nuclear Power Station, Units 2 and 3

Exemption Related to the Approval Authority for Suspension of Security Measures in an Emergency or During Severe Weather

I. Background

Exelon Generation Company, LLC (Exelon) is the holder of Renewed Facility Operating License Nos. DPR–19 and DPR–25 for the Dresden Nuclear Power Station, Units 2 and 3 (Dresden). The licenses provide, among other things, that the facility is subject to all applicable rules, regulations, and orders of the U.S. Nuclear Regulatory Commission (NRC, the Commission), now or hereafter in effect. The Dresden facility consists of two boiling-water reactors located in Grundy County, Illinois.

By letter dated September 2, 2020 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML20246G627), Exelon provided formal notification to the NRC pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Sections 50.82(a)(1)(i) and 50.4(b)(8) of the intention to permanently cease power operations at Dresden on or before November 30, 2021.

In accordance with 10 CFR 50.82(a)(1)(i)–(ii) and 50.82(a)(2), the 10 CFR part 50 licenses for the facility will no longer authorize reactor operation or emplacement or retention of fuel in the reactor vessel after certifications of permanent cessation of operations and permanent removal of fuel from the reactor vessel are docketed for Dresden. As a result, licensed senior operators (*i.e.,* individuals licensed under 10 CFR part 55 to manipulate the controls of a facility and to direct the licensed activities of licensed operators) will no longer be required to support plant operating activities. Instead, certified fuel handlers (CFHs) (*i.e.,* non-licensed operators who have qualified in accordance with a fuel handler training program approved by the Commission) will perform activities associated with decommissioning, irradiated fuel handling, and management. Commission approval of a fuel handler training program is needed to facilitate these activities.

By letter dated September 24, 2020 (ADAMS Accession No. ML20269A233), Exelon submitted a request for Commission approval of the CFH Training and Retraining Program for Dresden and by letter dated August 17, 2021 (ADAMS Accession No. ML21076A371), the Commission approved the CFH Training and Retraining Program. The CFH Training and Retraining Program is to be used to satisfy training requirements for the plant personnel responsible for supervising and directing the monitoring, storage, handling, and cooling of irradiated fuel in a manner consistent with ensuring the health and safety of the public. As stated in 10 CFR 50.2, ''Definitions,'' CFHs are qualified in accordance with a Commission-approved training program.

II. Request/Action

The Commission's regulation at 10 CFR 73.55(p)(1) addresses the suspension of security measures in an emergency (10 CFR 73.55(p)(1)(i)) or during severe weather (10 CFR 73.55(p)(1)(ii)) by stating:

> The licensee may suspend implementation of affected requirements of this section under the following conditions:
>
> (i) In accordance with §§ 50.54(x) and 50.54(y) of this chapter, the licensee may suspend any security measures under this section in an emergency when this action is immediately needed to protect the public health and safety and no action consistent with license conditions and technical specifications that can provide adequate or equivalent protection is immediately apparent. This suspension of security measures must be approved as a minimum by a licensed senior operator before taking this action.
>
> (ii) During severe weather when the suspension of affected security measures is immediately needed to protect the personal health and safety of security force personnel and no other immediately apparent action consistent with the license conditions and technical specifications can provide adequate or equivalent protection. This suspension of security measures must be approved, as a minimum, by a licensed senior operator, with input from the security supervisor or manager, before taking this action.

By letter dated September 28, 2020 (ADAMS Accession No. ML20272A212), Exelon requested an exemption from 10 CFR 73.55(p)(1)(i) and (ii), pursuant to 10 CFR 73.5, ''Specific exemptions.'' Consistent with 10 CFR 50.54(y), the proposed exemption would authorize a CFH, in addition to a licensed senior operator, to approve the suspension of security measures in an emergency or during severe weather at Dresden.

III. Discussion

The NRC's security rules have long recognized the potential need to suspend security or safeguards measures under certain conditions. Accordingly, 10 CFR 50.54(x) and (y), first published in 1983, allow a licensee to take reasonable actions in an emergency that depart from license conditions or technical specifications when those actions are immediately ''needed to protect the public health and safety'' and no actions consistent with license conditions and technical specifications that can provide adequate or equivalent protection are immediately apparent (48 FR 13970; April 1, 1983). This departure from license conditions or technical specifications must be approved, as a minimum, by a licensed senior operator. In 1986, in its final rule, ''Miscellaneous Amendments Concerning the Physical Protection of Nuclear Power Plants'' (51 FR 27817; August 4, 1986), the Commission issued 10 CFR 73.55(a), stating, in part:

> In accordance with § 50.54 (x) and (y) of Part 50, the licensee may suspend any safeguards measures pursuant to § 73.55 in an emergency when this action is immediately needed to protect the public health and safety and no action consistent with license conditions and technical specification that can provide adequate or equivalent protection is immediately apparent. This suspension must be approved as a minimum by a licensed senior operator prior to taking the action.

In 1996, the NRC made a number of regulatory changes to address decommissioning. One of the changes was to amend 10 CFR 50.54(x) and (y) to authorize a non-licensed operator called a ''certified fuel handler,'' in addition to a licensed senior operator, to approve such protective actions in an emergency situation at a permanently shutdown facility. Specifically, in addressing the role of the CFH during emergencies, the Commission stated in the proposed rule, ''Decommissioning of Nuclear Power Reactors'' (60 FR 37379; July 20, 1995):

> The Commission is proposing to amend 10 CFR 50.54(y) to permit a certified fuel handler at nuclear power reactors that have permanently ceased operations and permanently removed fuel from the reactor vessel, subject to the requirements of § 50.82(a) and consistent with the proposed definition of ''Certified Fuel Handler'' specified in § 50.2, to make these evaluations and judgments. A nuclear power reactor that has permanently ceased operations and no longer has fuel in the reactor vessel does not require a licensed individual to monitor core conditions. A certified fuel handler at a permanently shutdown and defueled nuclear power reactor undergoing decommissioning is an individual who has the requisite knowledge and experience to evaluate plant conditions and make these judgments.

In the final rule (61 FR 39298; July 29, 1996), the NRC added the following definition to 10 CFR 50.2: ''Certified fuel handler means, for a nuclear power reactor facility, a non-licensed operator who has qualified in accordance with a fuel handler training program approved by the Commission.'' However, the decommissioning rule did not propose or make parallel changes to 10 CFR 73.55(a), and did not discuss the role of a non-licensed CFH at a permanently shutdown facility.

In the final rule, ''Power Reactor Security Requirements'' (74 FR 13926; March 27, 2009), the NRC relocated the security suspension requirements from 10 CFR 73.55(a) to 10 CFR 73.55(p)(1)(i) and (ii). The role of a CFH was not discussed in the rulemaking; therefore, the suspension of security measures in accordance with 10 CFR 73.55(p) continues to require approval, as a minimum, by a licensed senior operator, even for a permanently shutdown facility.

Under 10 CFR 73.5, the Commission may, upon application of any interested person or upon its own initiative, grant exemptions from the requirements of 10 CFR part 73, as it determines are authorized by law, will not endanger life or property or the common defense and security, and are otherwise in the public interest. As explained below, the proposed exemption is authorized by law, will not endanger life or property or the common defense and security, and is otherwise in the public interest.

A. The Exemption Is Authorized by Law

The proposed exemption from 10 CFR 73.55(p)(1)(i) and (ii) would permit, as a minimum, a CFH, in addition to a licensed senior operator, to approve the suspension of security measures in an emergency or during severe weather at Dresden when it is permanently shutdown. Although the exemption is effective upon receipt, the actions permitted by the proposed exemption may not be implemented at Dresden until the 10 CFR part 50 licenses no longer authorize operation of the reactors or emplacement or retention of fuel in the reactor vessels in accordance with 10 CFR 50.82(a)(2). The intent of the proposed exemption is to align these regulations with 10 CFR 50.54(y) by using the authority of either a licensed senior operator or a CFH to approve the suspension of security measures during an emergency or during severe weather.

Per 10 CFR 73.5, the NRC is authorized to grant specific exemptions from the regulations in 10 CFR part 73, as are authorized by law. The NRC staff has determined that granting the proposed exemption is consistent with the Atomic Energy Act of 1954, as amended, and not otherwise inconsistent with NRC regulations or other applicable laws. Therefore, the exemption is authorized by law.

B. The Exemption Will Not Endanger Life or Property or the Common Defense and Security

Permitting, as a minimum, a CFH, in addition to a licensed senior operator, to approve the suspension of security measures in an emergency or during severe weather at Dresden when it is permanently shutdown will not endanger life or property or the common defense and security for the reasons discussed below.

First, 10 CFR 73.55(p)(2) will continue to require that ''[s]uspended security measures must be reinstated as soon as conditions permit.''

Second, the suspension of security measures for non-weather emergencies under 10 CFR 73.55(p)(1)(i) will continue to be invoked only ''when this action is immediately needed to protect the public health and safety and no action consistent with license conditions and technical specifications that can provide adequate or equivalent protection is immediately apparent.'' Thus, the exemption would not prevent the licensee from meeting the underlying purpose of 10 CFR 73.55(p)(1)(i) to protect the public health and safety.

Third, the suspension of security measures for severe weather under 10 CFR 73.55(p)(1)(ii) will continue to be used only when ''the suspension of affected security measures is immediately needed to protect the personal health and safety of security force personnel and no other immediately apparent action consistent with the license conditions and technical specifications can provide adequate or equivalent protection.'' The requirement in 10 CFR 73.55(p)(1)(ii) to receive input from the security supervisor or manager will remain. Therefore, the exemption would not prevent the licensee from meeting the underlying purpose of 10 CFR 73.55(p)(1)(ii) to protect the health and safety of the security force.

Additionally, by letter dated August 17, 2021, the NRC approved the Dresden CFH Training and Retraining Program. The NRC staff found that, among other things, the program addresses the safe conduct of decommissioning activities, the safe handling and storage of spent fuel, and the appropriate response to plant emergencies. Because a CFH at Dresden will be sufficiently trained and

qualified under an NRC-approved program, the NRC staff considers the CFH to have sufficient knowledge of operational and safety concerns, such that allowing the CFH to suspend security measures in an emergency or during severe weather will not result in undue risk to the public health and safety.

In addition, since the exemption allows a CFH the same authority currently given to the licensed senior operator under 10 CFR 73.55(p)(1)(i) and (ii), no change is required to physical security. Since no change is required to physical security, the exemption would not reduce the overall effectiveness of the Dresden physical security plan and would not adversely impact the licensee's ability to physically secure the site or protect special nuclear material at Dresden and, thus, would not have an effect on the common defense and security. The NRC staff has determined that the exemption would not reduce security measures currently in place to protect against radiological sabotage. Instead, the exemption would align the requirements of 10 CFR 73.55(p)(1)(i) and (ii) with the existing requirements of 10 CFR 50.54(y).

For these reasons, granting the exemption from the requirements in 10 CFR 73.55(p)(1)(i) and (ii) to permit, as a minimum, a CFH, in addition to a licensed senior operator, to approve the suspension of security measures in an emergency or during severe weather at Dresden when it is permanently shutdown will not endanger life or property or the common defense and security.

C. The Exemption Is Otherwise in the Public Interest

The proposed exemption would allow a CFH, in addition to a licensed senior operator, to approve the suspension of security measures in an emergency when ''immediately needed to protect the public health and safety'' or during severe weather when ''immediately needed to protect the personal health and safety of security force personnel'' at Dresden when it is permanently shutdown. If the exemption is not granted, Dresden will be required to have a licensed senior operator available to approve the suspension of security measures in an emergency or during severe weather for a permanently shutdown plant, even though there would no longer be an NRC requirement for Exelon to maintain a licensed senior operator at Dresden after the certifications required by 10 CFR 50.82(a)(1)(i) and (ii) are submitted.

This proposed exemption is in the public interest for the following reasons. Without the exemption there would be uncertainty regarding how the licensee would invoke the temporary suspension of security measures that may be needed for protecting the public health and safety or the personal health and safety of the security force personnel in emergencies or during severe weather, given the differences between the requirements in 10 CFR 73.55(p)(1)(i) and (ii) and 10 CFR 50.54(y). The exemption would allow the licensee to make decisions pursuant to 10 CFR 73.55(p)(1)(i) and (ii) without having to maintain a staff of licensed senior operators at a nuclear power reactor that has permanently ceased operations and permanently removed fuel from the reactor vessel. The exemption would also allow the licensee to have an established procedure in place to allow either a licensed senior operator or a CFH to suspend security measures in an emergency or during severe weather after the certifications required by 10 CFR 50.82(a)(1)(i) and (ii) have been submitted. Finally, the consistent and efficient regulation of nuclear power plants serves the public interest and this exemption would assure consistency between the regulations in 10 CFR part 73 and 10 CFR 50.54(y) and the requirements concerning licensed operators in 10 CFR part 55.

The NRC staff has determined that granting the proposed exemption would allow the licensee to designate a CFH with qualifications appropriate for a permanently shutdown and defueled reactor to approve the suspension of security measures in an emergency to protect the public health and safety and during severe weather to protect the personal health and safety of the security force personnel. The actions permitted by the exemption may be implemented at Dresden when both the certification of permanent cessation of operations and the certification of permanent fuel removal are submitted in accordance with 10 CFR 50.82(a)(1)(i) and (ii), which is consistent with the similar authority provided by 10 CFR 50.54(y). Therefore, the exemption is in the public interest.

D. Environmental Consideration

The NRC's approval of the proposed exemption belongs to a category of actions that the Commission, by rule or regulation, has declared to be a categorical exclusion, after first finding that the category of actions does not individually or cumulatively have a significant effect on the human environment. Specifically, the NRC's approval of the exemption is categorically excluded from further environmental analysis under 10 CFR 51.22(c)(25).

Under 10 CFR 51.22(c)(25), the granting of an exemption from the requirements of any regulation of Chapter I to 10 CFR is a categorical exclusion provided that: (i) There is no significant hazards consideration; (ii) there is no significant change in the types or significant increase in the amounts of any effluents that may be released offsite; (iii) there is no significant increase in individual or cumulative public or occupational radiation exposure; (iv) there is no significant construction impact; (v) there is no significant increase in the potential for or consequences from radiological accidents; and (vi) the requirements from which the exemption is sought involve, among others: Safeguard plans, and materials control and accounting inventory scheduling requirements or other requirements of an administrative, managerial, or organizational nature. The basis for the NRC's determination is provided in the following evaluation of the requirements in 10 CFR 51.22(c)(25)(i)–(vi).

Requirements in 10 CFR 51.22(c)(25)(i)

To qualify for a categorical exclusion under 10 CFR 51.22(c)(25)(i), the exemption must involve a no significant hazards consideration. The criteria for making a no significant hazards consideration determination are found in 10 CFR 50.92(c). The NRC staff has determined that granting the proposed exemption involves no significant hazards consideration because allowing a CFH, in addition to a licensed senior operator, to approve the security suspension at a permanently shutdown and defueled power plant does not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The proposed exemption is unrelated to any operational restriction. Therefore, the requirements of 10 CFR 51.22(c)(25)(i) are met.

Requirements in 10 CFR 51.22(c)(25)(ii) and (iii)

The proposed exemption would not change radioactive effluents or emissions that affect radiation exposures to plant workers and members of the public. Accordingly, there is no significant change in the types or significant increase in the

amounts of any effluents that may be released offsite and no significant increase in individual or cumulative public or occupational radiation exposure. Therefore, the requirements of 10 CFR 51.22(c)(25)(ii) and (iii) are met.

Requirements in 10 CFR 51.22(c)(25)(iv)

The proposed exemption is not associated with construction or major renovations of any buildings or structures. Therefore, the requirements of 10 CFR 51.22(c)(25)(iv) are met because there is no significant construction impact.

Requirements in 10 CFR 51.22(c)(25)(v)

The proposed exemption does not concern the source term (*i.e.,* potential amount of radiation in an accident) or mitigation. Thus, there is no significant increase in the potential for or consequences from radiological accidents. Therefore, the requirements of 10 CFR 51.22(c)(25)(v) are met.

Requirements in 10 CFR 51.22(c)(25)(vi)

The proposed exemption is from the requirement to have a licensed senior operator approve suspensions of security measures in an emergency or during severe weather. Therefore, the requirement from which the exemption is sought involves safeguard plans, materials control, and managerial and organizational matters and, thus, the requirements of 10 CFR 51.22(c)(25)(vi) are met.

Determination Regarding 10 CFR 51.22(c)(25) Requirements

Based on the above, the NRC staff determines that the proposed exemption meets the eligibility criteria for a categorical exclusion set forth in 10 CFR 51.22(c)(25). Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared in connection with the approval of the proposed exemption.

IV. Conclusion

Accordingly, the Commission has determined that, pursuant to 10 CFR 73.5, the proposed exemption is authorized by law, will not endanger life or property or the common defense and security, and is otherwise in the public interest. Therefore, the Commission hereby grants the licensee's request for an exemption from the requirements of 10 CFR 73.55(p)(1)(i) and (ii) to allow either a licensed senior operator or a CFH to approve the suspension of security measures in an emergency or during severe weather at Dresden once the certifications required under 10 CFR 50.82(a)(1) have been submitted.

The exemption is effective upon receipt.

Dated: August 23, 2021.

For the Nuclear Regulatory Commission.

Caroline L. Carusone,

Deputy Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2021–18600 Filed 8–27–21; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2021–0001]

Sunshine Act Meetings

TIME AND DATE: Weeks of August 30, September 6, 13, 20, 27, October 4, 2021.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland and via Teleconference.

STATUS: Public and closed.

MATTERS TO BE CONSIDERED:

Week of August 30, 2021

Tuesday, August 31, 2021

11:30 a.m. Affirmation Session (Public Meeting) (Tentative), FirstEnergy Companies and TMI–2 Solutions, LLC (Three Mile Island Nuclear Station, Unit 2), Petition for Reconsideration of CLI–21–8 (Tentative). (Contact: Wesley Held: 301–287–3591)

Additional Information: Due to COVID–19, there will be no physical public attendance. The public is invited to attend the Commission's meeting live; via teleconference. Details for joining the teleconference in listen only mode at *https://www.nrc.gov/pmns/mtg.*

Week of September 6, 2021—Tentative

There are no meetings scheduled for the week of September 6, 2021.

Week of September 13, 2021—Tentative

Tuesday, September 14, 2021

10:00 a.m. Briefing on NRC International Activities (Closed—Ex. 1 & 9)

Week of September 20, 2021—Tentative

There are no meetings scheduled for the week of September 20, 2021.

Week of September 27, 2021—Tentative

Thursday, September 30, 2021

9:00 a.m. Strategic Programmatic Overview of the Operating Reactors and New Reactors Business Lines (Public Meeting). (Contact: Caty Nolan: 301–415–1535)

Additional Information: Due to COVID–19, there will be no physical public attendance. The public is invited to attend the Commission's meeting live by webcast at the Web address—*https://video.nrc.gov/.*

Week of October 4, 2021—Tentative

Tuesday, October 5, 2021

10:00 a.m. Meeting with the Advisory Committee on the Medical Uses of Isotopes (Public Meeting). (Contact: Suzanne Dennis: 301–415–0760)

Additional Information: Due to COVID–19, there will be no physical public attendance. The public is invited to attend the Commission's meeting live by webcast at the Web address—*https://video.nrc.gov/.*

Friday, October 8, 2021

10:00 a.m. Meeting with the Advisory Committee on Reactor Safeguards (Public Meeting). (Contact: Larry Burkhart: 301–287–3775)

Additional Information: Due to COVID–19, there will be no physical public attendance. The public is invited to attend the Commission's meeting live by webcast at the Web address—*https://video.nrc.gov/.*

CONTACT PERSON FOR MORE INFORMATION: For more information or to verify the status of meetings, contact Wesley Held at 301–287–3591 or via email at *Wesley.Held@nrc.gov.* The schedule for Commission meetings is subject to change on short notice.

The NRC Commission Meeting Schedule can be found on the internet at: *https://www.nrc.gov/public-involve/public-meetings/schedule.html.*

The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings or need this meeting notice or the transcript or other information from the public meetings in another format (*e.g.,* braille, large print), please notify Anne Silk, NRC Disability Program Specialist, at 301–287–0745, by videophone at 240–428–3217, or by email at *Anne.Silk@nrc.gov.* Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

Members of the public may request to receive this information electronically. If you would like to be added to the distribution, please contact the Nuclear Regulatory Commission, Office of the Secretary, Washington, DC 20555, at 301–415–1969, or by email at *Wendy.Moore@nrc.gov* or *Betty.Thweatt@nrc.gov.*

The NRC is holding the meetings under the authority of the Government in the Sunshine Act, 5 U.S.C. 552b.

Dated: August 25, 2021.

For the Nuclear Regulatory Commission.

Wesley W. Held,

Policy Coordinator, Office of the Secretary.

[FR Doc. 2021–18680 Filed 8–26–21; 11:15 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. STN 50–454 and STN 50–455; NRC–2021–0156]

Exelon Generation Company, LLC, Byron Station, Unit Nos. 1 and 2

AGENCY: Nuclear Regulatory Commission.

ACTION: Exemption; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing an exemption in response to a September 28, 2020, request from Exelon Generation Company, LLC. The exemption allows either a licensed senior operator or a certified fuel handler to approve the emergency suspension of security measures for Byron Station, Unit Nos. 1 and 2 during certain emergency conditions or during severe weather after both the certification of permanent cessation of operations and the certification of permanent fuel removal have been docketed for the facility.

DATES: The exemption was issued on August 23, 2021.

ADDRESSES: Please refer to Docket ID NRC–2021–0156 when contacting the NRC about the availability of information regarding this document. You may obtain publicly available information related to this document using any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2021–0156. Address questions about Docket IDs in *Regulations.gov* to Stacy Schumann; telephone: 301–415–0624; email *Stacy.Schumann@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.
- *Attention:* The PDR, where you may examine and order copies of public documents, is currently closed. You may submit your request to the PDR via email at *pdr.resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737, between 8:00 a.m. and 4:00 p.m. (ET), Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Joel S. Wiebe, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–6606; email: *Joel.Wiebe@nrc.gov.*

SUPPLEMENTARY INFORMATION: The text of the exemption is attached.

Dated: August 25, 2021.

For the Nuclear Regulatory Commission.

Joel S. Wiebe,

Senior Project Manager, Plant Licensing Branch III, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

Attachment: Exemption

NUCLEAR REGULATORY COMMISSION

Docket Nos. STN 50–454 and STN 50–455

Exelon Generation Company, LLC; Byron Station, Unit Nos. 1 and 2

Exemption Related to the Approval Authority for Suspension of Security Measures in an Emergency or During Severe Weather

I. Background

Exelon Generation Company, LLC (Exelon) is the holder of Renewed Facility Operating License Nos. NPF–37 and NPF–66 for the Byron Station, Unit Nos. 1 and 2 (Byron). The licenses provide, among other things, that the facility is subject to all applicable rules, regulations, and orders of the U.S. Nuclear Regulatory Commission (NRC, the Commission), now or hereafter in effect. The Byron facility consists of two pressurized-water reactors located in Ogle County, Illinois.

By letter dated September 2, 2020 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML20246G613), Exelon provided formal notification to the NRC pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Sections 50.82(a)(1)(i) and 50.4(b)(8) of the intention to permanently cease power operations at Byron on or before September 30, 2021.

In accordance with 10 CFR 50.82(a)(1)(i)–(ii) and 50.82(a)(2), the 10 CFR part 50 licenses for the facility will no longer authorize reactor operation or emplacement or retention of fuel in the reactor vessel after certifications of permanent cessation of operations and permanent removal of fuel from the reactor vessel are docketed for Byron. As a result, licensed senior operators (*i.e.,* individuals licensed under 10 CFR part 55 to manipulate the controls of a facility and to direct the licensed activities of licensed operators) will no longer be required to support plant operating activities. Instead, certified fuel handlers (CFHs) (*i.e.,* non-licensed operators who have qualified in accordance with a fuel handler training program approved by the Commission) will perform activities associated with decommissioning, irradiated fuel handling, and management. Commission approval of a fuel handler training program is needed to facilitate these activities.

By letter dated September 24, 2020 (ADAMS Accession No. ML20269A233), Exelon submitted a request for Commission approval of the CFH Training and Retraining Program for Byron. By letter dated August 17, 2021 (ADAMS Accession No. ML21076A371), the Commission approved the CFH Training and Retraining Program for Byron. The CFH Training and Retraining Program is to be used to satisfy training requirements for the plant personnel responsible for supervising and directing the monitoring, storage, handling, and cooling of irradiated fuel in a manner consistent with ensuring the health and safety of the public. As stated in 10 CFR 50.2, ''Definitions,'' CFHs are qualified in accordance with a Commission-approved training program.

II. Request/Action

The Commission's regulation at 10 CFR 73.55(p)(1) addresses the suspension of security measures in an emergency (10 CFR 73.55(p)(1)(i)) or during severe weather (10 CFR 73.55(p)(1)(ii)) by stating:

> The licensee may suspend implementation of affected requirements of this section under the following conditions:
>
> (i) In accordance with §§ 50.54(x) and 50.54(y) of this chapter, the licensee may suspend any security measures under this section in an emergency when this action is immediately needed to protect the public health and safety and no action consistent with license conditions and technical specifications that can provide adequate or equivalent protection is immediately apparent. This suspension of security measures must be approved as a minimum by a licensed senior operator before taking this action.

(ii) During severe weather when the suspension of affected security measures is immediately needed to protect the personal health and safety of security force personnel and no other immediately apparent action consistent with the license conditions and technical specifications can provide adequate or equivalent protection. This suspension of security measures must be approved, as a minimum, by a licensed senior operator, with input from the security supervisor or manager, before taking this action.

By letter dated September 28, 2020 (ADAMS Accession No. ML20272A212), Exelon requested an exemption from 10 CFR 73.55(p)(1)(i) and (ii), pursuant to 10 CFR 73.5, ''Specific exemptions.'' Consistent with 10 CFR 50.54(y), the proposed exemption would authorize a CFH, in addition to a licensed senior operator, to approve the suspension of security measures in an emergency or during severe weather at Byron.

III. Discussion

The NRC's security rules have long recognized the potential need to suspend security or safeguards measures under certain conditions. Accordingly, 10 CFR 50.54(x) and (y), first published in 1983, allow a licensee to take reasonable actions in an emergency that depart from license conditions or technical specifications when those actions are immediately ''needed to protect the public health and safety'' and no actions consistent with license conditions and technical specifications that can provide adequate or equivalent protection are immediately apparent (48 FR 13970; April 1, 1983). This departure from license conditions or technical specifications must be approved, as a minimum, by a licensed senior operator. In 1986, in its final rule, ''Miscellaneous Amendments Concerning the Physical Protection of Nuclear Power Plants'' (51 FR 27817; August 4, 1986), the Commission issued 10 CFR 73.55(a), stating, in part:

In accordance with § 50.54 (x) and (y) of Part 50, the licensee may suspend any safeguards measures pursuant to § 73.55 in an emergency when this action is immediately needed to protect the public health and safety and no action consistent with license conditions and technical specification that can provide adequate or equivalent protection is immediately apparent. This suspension must be approved as a minimum by a licensed senior operator prior to taking the action.

In 1996, the NRC made a number of regulatory changes to address decommissioning. One of the changes was to amend 10 CFR 50.54(x) and (y) to authorize a non-licensed operator called a ''certified fuel handler,'' in addition to a licensed senior operator, to approve such protective actions in an emergency situation at a permanently shutdown facility. Specifically, in addressing the role of the CFH during emergencies, the Commission stated in the proposed rule, ''Decommissioning of Nuclear Power Reactors'' (60 FR 37379; July 20, 1995):

The Commission is proposing to amend 10 CFR 50.54(y) to permit a certified fuel handler at nuclear power reactors that have permanently ceased operations and permanently removed fuel from the reactor vessel, subject to the requirements of § 50.82(a) and consistent with the proposed definition of ''Certified Fuel Handler'' specified in § 50.2, to make these evaluations and judgments. A nuclear power reactor that has permanently ceased operations and no longer has fuel in the reactor vessel does not require a licensed individual to monitor core conditions. A certified fuel handler at a permanently shutdown and defueled nuclear power reactor undergoing decommissioning is an individual who has the requisite knowledge and experience to evaluate plant conditions and make these judgments.

In the final rule (61 FR 39298; July 29, 1996), the NRC added the following definition to 10 CFR 50.2: ''Certified fuel handler means, for a nuclear power reactor facility, a non-licensed operator who has qualified in accordance with a fuel handler training program approved by the Commission.'' However, the decommissioning rule did not propose or make parallel changes to 10 CFR 73.55(a), and did not discuss the role of a non-licensed CFH at a permanently shutdown facility.

In the final rule, ''Power Reactor Security Requirements'' (74 FR 13926; March 27, 2009), the NRC relocated the security suspension requirements from 10 CFR 73.55(a) to 10 CFR 73.55(p)(1)(i) and (ii). The role of a CFH was not discussed in the rulemaking; therefore, the suspension of security measures in accordance with 10 CFR 73.55(p) continues to require approval, as a minimum, by a licensed senior operator, even for a permanently shutdown facility.

Under 10 CFR 73.5, the Commission may, upon application of any interested person or upon its own initiative, grant exemptions from the requirements of 10 CFR part 73, as it determines are authorized by law, will not endanger life or property or the common defense and security, and are otherwise in the public interest. As explained below, the proposed exemption is authorized by law, will not endanger life or property or the common defense and security, and is otherwise in the public interest.

A. The Exemption Is Authorized by Law

The proposed exemption from 10 CFR 73.55(p)(1)(i) and (ii) would permit, as a minimum, a CFH, in addition to a licensed senior operator, to approve the suspension of security measures in an emergency or during severe weather at Byron when it is permanently shutdown. Although the exemption is effective upon receipt, the actions permitted by the proposed exemption may not be implemented at Byron until the 10 CFR part 50 licenses no longer authorize operation of the reactors or emplacement or retention of fuel in the reactor vessels in accordance with 10 CFR 50.82(a)(2). The intent of the proposed exemption is to align these regulations with 10 CFR 50.54(y) by using the authority of either a licensed senior operator or a CFH to approve the suspension of security measures during an emergency or during severe weather.

Per 10 CFR 73.5, the NRC is authorized to grant specific exemptions from the regulations in 10 CFR part 73, as are authorized by law. The NRC staff has determined that granting the proposed exemption is consistent with the Atomic Energy Act of 1954, as amended, and not otherwise inconsistent with NRC regulations or other applicable laws. Therefore, the exemption is authorized by law.

B. The Exemption Will Not Endanger Life or Property or the Common Defense and Security

Permitting, as a minimum, a CFH, in addition to a licensed senior operator, to approve the suspension of security measures in an emergency or during severe weather at Byron when it is permanently shutdown will not endanger life or property or the common defense and security for the reasons discussed below.

First, 10 CFR 73.55(p)(2) will continue to require that ''[s]uspended security measures must be reinstated as soon as conditions permit.''

Second, the suspension of security measures for non-weather emergencies under 10 CFR 73.55(p)(1)(i) will continue to be invoked only ''when this action is immediately needed to protect the public health and safety and no action consistent with license conditions and technical specifications that can provide adequate or equivalent protection is immediately apparent.'' Thus, the exemption would not prevent the licensee from meeting the underlying purpose of 10 CFR 73.55(p)(1)(i) to protect the public health and safety.

Third, the suspension of security measures for severe weather under 10 CFR 73.55(p)(1)(ii) will continue to be used only when ''the suspension of affected security measures is immediately needed to protect the personal health and safety of security

force personnel and no other immediately apparent action consistent with the license conditions and technical specifications can provide adequate or equivalent protection.'' The requirement in 10 CFR 73.55(p)(1)(ii) to receive input from the security supervisor or manager will remain. Therefore, the exemption would not prevent the licensee from meeting the underlying purpose of 10 CFR 73.55(p)(1)(ii) to protect the health and safety of the security force.

Additionally, by letter dated August 17, 2021, the NRC approved the Byron CFH Training and Retraining Program. The NRC staff found that, among other things, the program addresses the safe conduct of decommissioning activities, the safe handling and storage of spent fuel, and the appropriate response to plant emergencies. Because a CFH at Byron will be sufficiently trained and qualified under an NRC-approved program, the NRC staff considers the CFH to have sufficient knowledge of operational and safety concerns, such that allowing the CFH to suspend security measures in an emergency or during severe weather will not result in undue risk to the public health and safety.

In addition, since the exemption allows a CFH the same authority currently given to the licensed senior operator under 10 CFR 73.55(p)(1)(i) and (ii), no change is required to physical security. Since no change is required to physical security, the exemption would not reduce the overall effectiveness of the Byron physical security plan and would not adversely impact the licensee's ability to physically secure the site or protect special nuclear material at Byron, and thus, would not have an effect on the common defense and security. The NRC staff has determined that the exemption would not reduce security measures currently in place to protect against radiological sabotage. Instead, the exemption would align the requirements of 10 CFR 73.55(p)(1)(i) and (ii) with the existing requirements of 10 CFR 50.54(y).

For these reasons, granting the exemption from the requirements in 10 CFR 73.55(p)(1)(i) and (ii) to permit, as a minimum, a CFH, in addition to a licensed senior operator, to approve the suspension of security measures in an emergency or during severe weather at Byron when it is permanently shutdown will not endanger life or property or the common defense and security.

C. The Exemption Is Otherwise in the Public Interest

The proposed exemption would allow a CFH, in addition to a licensed senior operator, to approve the suspension of security measures in an emergency when ''immediately needed to protect the public health and safety'' or during severe weather when ''immediately needed to protect the personal health and safety of security force personnel'' at Byron when it is permanently shutdown. If the exemption is not granted, Byron will be required to have a licensed senior operator available to approve the suspension of security measures in an emergency or during severe weather for a permanently shutdown plant, even though there would no longer be an NRC requirement for Exelon to maintain a licensed senior operator at Byron after the certifications required by 10 CFR 50.82(a)(1)(i) and (ii) are submitted.

This proposed exemption is in the public interest for the following reasons. Without the exemption, there would be uncertainty regarding how the licensee would invoke the temporary suspension of security measures that may be needed for protecting the public health and safety or the personal health and safety of the security force personnel in emergencies or during severe weather, given the differences between the requirements in 10 CFR 73.55(p)(1)(i) and (ii) and 10 CFR 50.54(y). The exemption would allow the licensee to make decisions pursuant to 10 CFR 73.55(p)(1)(i) and (ii) without having to maintain a staff of licensed senior operators at a nuclear power reactor that has permanently ceased operations and permanently removed fuel from the reactor vessel. The exemption would also allow the licensee to have an established procedure in place to allow either a licensed senior operator or a CFH to suspend security measures in an emergency or during severe weather after the certifications required by 10 CFR 50.82(a)(1)(i) and (ii) have been submitted. Finally, the consistent and efficient regulation of nuclear power plants serves the public interest and this exemption would assure consistency between the regulations in 10 CFR part 73 and 10 CFR 50.54(y) and the requirements concerning licensed operators in 10 CFR part 55.

The NRC staff has determined that granting the proposed exemption would allow the licensee to designate a CFH with qualifications appropriate for a permanently shutdown and defueled reactor to approve the suspension of security measures in an emergency to protect the public health and safety and during severe weather to protect the personal health and safety of the security force personnel. The actions permitted by this exemption may be implemented at Byron when both the certification of permanent cessation of operations and the certification of permanent fuel removal are submitted in accordance with 10 CFR 50.82(a)(1)(i) and (ii), which is consistent with the similar authority provided by 10 CFR 50.54(y). Therefore, the exemption is in the public interest.

D. Environmental Consideration

The NRC's approval of the proposed exemption belongs to a category of actions that the Commission, by rule or regulation, has declared to be a categorical exclusion, after first finding that the category of actions does not individually or cumulatively have a significant effect on the human environment. Specifically, the NRC's approval of the exemption is categorically excluded from further environmental analysis under 10 CFR 51.22(c)(25).

Under 10 CFR 51.22(c)(25), the granting of an exemption from the requirements of any regulation of Chapter I to 10 CFR is a categorical exclusion provided that: (i) There is no significant hazards consideration; (ii) there is no significant change in the types or significant increase in the amounts of any effluents that may be released offsite; (iii) there is no significant increase in individual or cumulative public or occupational radiation exposure; (iv) there is no significant construction impact; (v) there is no significant increase in the potential for or consequences from radiological accidents; and (vi) the requirements from which the exemption is sought involve, among others: safeguard plans, and materials control and accounting inventory scheduling requirements or other requirements of an administrative, managerial, or organizational nature. The basis for the NRC's determination is provided in the following evaluation of the requirements in 10 CFR 51.22(c)(25)(i)–(vi).

Requirements in 10 CFR 51.22(c)(25)(i)

To qualify for a categorical exclusion under 10 CFR 51.22(c)(25)(i), the exemption must involve a no significant hazards consideration. The criteria for making a no significant hazards consideration determination are found in 10 CFR 50.92(c). The NRC staff has determined that granting the proposed exemption involves no significant hazards consideration because allowing a CFH, in addition to a licensed senior

operator, to approve the security suspension at a permanently shutdown and defueled power plant does not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The proposed exemption is unrelated to any operational restriction. Therefore, the requirements of 10 CFR 51.22(c)(25)(i) are met.

Requirements in 10 CFR 51.22(c)(25)(ii) and (iii)

The proposed exemption would not change radioactive effluents or emissions that affect radiation exposures to plant workers and members of the public. Accordingly, there is no significant change in the types or significant increase in the amounts of any effluents that may be released offsite and no significant increase in individual or cumulative public or occupational radiation exposure. Therefore, the requirements of 10 CFR 51.22(c)(25)(ii) and (iii) are met.

Requirements in 10 CFR 51.22(c)(25)(iv)

The proposed exemption is not associated with construction or major renovations of any buildings or structures. Therefore, the requirements of 10 CFR 51.22(c)(25)(iv) are met because there is no significant construction impact.

Requirements in 10 CFR 51.22(c)(25)(v)

The proposed exemption does not concern the source term (*i.e.,* potential amount of radiation in an accident) or mitigation. Thus, there is no significant increase in the potential for or consequences from radiological accidents. Therefore, the requirements of 10 CFR 51.22(c)(25)(v) are met.

Requirements in 10 CFR 51.22(c)(25)(vi)

The proposed exemption is from the requirement to have a licensed senior operator approve suspensions of security measures in an emergency or during severe weather. Therefore, the requirement from which the exemption is sought involves safeguard plans, materials control, and managerial and organizational matters and, thus, the requirements of 10 CFR 51.22(c)(25)(vi) are met.

Determination Regarding 10 CFR 51.22(c)(25) Requirements

Based on the above, the NRC staff determines that the proposed exemption meets the eligibility criteria for a categorical exclusion set forth in 10 CFR 51.22(c)(25). Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared in connection with the approval of the proposed exemption.

IV. Conclusion

Accordingly, the Commission has determined that, pursuant to 10 CFR 73.5, the proposed exemption is authorized by law, will not endanger life or property or the common defense and security, and is otherwise in the public interest. Therefore, the Commission hereby grants the licensee's request for an exemption from the requirements of 10 CFR 73.55(p)(1)(i) and (ii) to allow either a licensed senior operator or a CFH to approve the suspension of security measures in an emergency or during severe weather at Byron once the certifications required under 10 CFR 50.82(a)(1) have been submitted.

The exemption is effective upon receipt.

Dated: August 23, 2021.

For the Nuclear Regulatory Commission.

Caroline L. Carusone,

Deputy Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2021–18601 Filed 8–27–21; 8:45 am]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2021–129 and CP2021–134]

New Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning a negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* September 1, 2021.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

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I. Introduction
II. Docketed Proceeding(s)

I. Introduction

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the market dominant or the competitive product list, or the modification of an existing product currently appearing on the market dominant or the competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (*http://www.prc.gov*). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3011.301.[1]

The Commission invites comments on whether the Postal Service's request(s) in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern market dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3030, and 39 CFR part 3040, subpart B. For request(s) that the Postal Service states concern competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3035, and 39 CFR part 3040, subpart B. Comment deadline(s) for each request appear in section II.

II. Docketed Proceeding(s)

1. *Docket No(s).:* MC2021–129 and CP2021–134; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail & First-Class Package Service Contract 76 to Competitive Product List and Notice of Filing Materials Under

[1] *See* Docket No. RM2018–3, Order Adopting Final Rules Relating to Non-Public Information, June 27, 2018, Attachment A at 19–22 (Order No. 4679).

Seal; *Filing Acceptance Date:* August 24, 2021; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative:* Kenneth R. Moeller; *Comments Due:* September 1, 2021.

This Notice will be published in the **Federal Register**.

Erica A. Barker,

Secretary.

[FR Doc. 2021–18624 Filed 8–27–21; 8:45 am]

BILLING CODE 7710–FW–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–92738; File No. SR–NASDAQ–2021–064]

Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend General 9, Section 51, Research Analysts

August 24, 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 12, 2021, The Nasdaq Stock Market LLC (''Nasdaq'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend General 9, Section 51, Research Analysts.

The Exchange also proposes to amend General 9, Section 10, Recommendations to Customers (Suitability).

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/nasdaq/rules,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend General 9, Section 51, Research Analysts. Specifically, the Exchange proposes to (1) remove references to FINRA Rules 1120[3] and 1250;[4] and (2) add references to FINRA Rules 1240 and 1220(a)(6), (a)(14) and (b)(6).

The Exchange also proposes to amend General 9, Section 10, Recommendations to Customers (Suitability).

General 9, Section 51

By way of background, FINRA previously deleted in their entirety the NASD Rule 1000 Series relating to registration of Principals and Representatives and adopted rules relating to qualification and registration requirements in the Consolidated FINRA Rulebook.[5] In that rule change, FINRA Rule 1250 was renumbered to FINRA Rule 1240.[6] FINRA Rule 1240 describes continuing education requirements applicable to registered persons and consists of a Regulatory Element and a Firm Element.

Nasdaq subsequently filed a rule change[7] to amend, reorganize and enhance certain of its corresponding membership, registration and qualification requirements rules in part in response to the FINRA Rule Changes,[8] and also in order to facilitate the adoption of similar membership, registration and qualification rules by Nasdaq's affiliated exchanges. In that rule change, Nasdaq amended its Rule 1050 (now General 9, Section 51) to remove references to NASD Rules 2711, 1050, 1022 and 1120 and it replaced those references with FINRA Rules 1120, 1250, and 2241.[9] The reference to FINRA Rule 1120 was in error because, at that time, FINRA Rule 1120 did not exist. NASD Rule 1120 was adopted as FINRA Rule 1250.[10] Also, the references to FINRA Rule 1250 were in error because FINRA Rule 1250 was renumbered as FINRA Rule 1240.[11] Of note, NASD Rules 1050 (Registration of Research Analysts) and 1022 (Categories of Principal Registrations) were superseded by the FINRA Rule 1200 Series but this was not reflected within SR–FINRA–2018–078 [sic].[12]

At this time, Nasdaq proposes to remove the incorrect references to FINRA Rules 1120 and 1250 as such rules do not exist. The Exchange proposes to update the reference to FINRA Rule 1250 with a reference to current FINRA Rule 1240. The Exchange also proposes to add references to FINRA Rules 1220(a)(6), (a)(14), and (b)(6), because they correspond to previous NASD Rules 1050 and 1022. These changes would reflect the current FINRA rules relating to research analysts.

The Exchange proposes to amend General 9, Section 10, Recommendations to Customers

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Nasdaq Rule 1050 (subsequently renumbered as General 9, Section 51) originally referred to NASD Rule 1120, Continuing Education Requirements. *See* Securities Exchange Act Release Nos. 58069 (June 30, 3008), 73 FR 39360 (July 9, 2008) (SR–NASDAQ–2008–054) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Regarding Technical and Conforming Changes to Nasdaq Rules); and 87778 (December 17, 2019), 84 FR 70590 (December 23, 2019) (SR–NASDAQ–2019–098) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Relocate Rules From Its Current Rulebook Into Its New Rulebook Shell) (renumbering Nasdaq Rule 1050 as General 9, Section 51). The SEC approved the adoption of NASD Rule 1120 (Continuing Education Requirements) as new FINRA Rule 1250 (Continuing Education Requirements) subject to certain amendments, effective on October 17, 2011. *See* Securities Exchange Act Release No. 64687 (June 16, 2011); 76 FR 36586 (June 22, 2011) (SR–FINRA–2011–013) (Notice of Filing of Amendment No. 1 and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment No. 1, Establishing a Registration Category, Qualification Examination and Continuing Education Requirements for Certain Operations Personnel, and Adopt FINRA Rule 1250 (Continuing Education Requirements) in the Consolidated FINRA Rulebook). *See also* note 5 below.

[4] FINRA Rule 1250 was renumbered as FINRA Rule 1240. *See* note 5 below.

[5] *See* Securities Exchange Act Release No. 81098 (July 7, 2017), 82 FR 32419 (July 13, 2017) (SR–FINRA–2017–007) (Order Approving Proposed Rule Change To Adopt Consolidated Registration Rules, Restructure the Representative-Level Qualification Examination Program, Allow Permissive Registration, Establish Exam Waiver Process for Persons Working for Financial Services Affiliate of Member, and Amend the Continuing Education Requirements).

[6] *Id.*

[7] *See* Securities Exchange Act Release No. 84386 (October 9, 2018), 83 FR 51988 (October 15, 2018) (SR–NASDAQ–2018–078) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend, Reorganize and Enhance Its Membership, Registration and Qualification Rules).

[8] *See* note 5 above.

[9] *See* note 7 above.

[10] *See* note 3 above.

[11] *See* notes 4 and 5 above.

[12] *See* note 5 above.

(Suitability), to update a citation within subparagraph (b)(3) to NASD Rule IM–2210–6. In 2011, FINRA replaced NASD IM–2210–6 with FINRA Rule 2214.[13]

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[14] in general, and furthers the objectives of Section 6(b)(5) of the Act,[15] in particular, in that it is designed to promote just and equitable principles of trade and to protect investors and the public interest. The Exchange's proposal to remove inaccurate FINRA rule references from General 9, Section 51 and replace them with references to current FINRA rules that apply to research analysts and [sic] is consistent with the Act. The Exchange's proposal will align Nasdaq's rule to FINRA rules.

The Exchange's proposal to amend General 9, Section 10, Recommendations to Customers (Suitability), to update a citation within subparagraph (b)(3) to NASD Rule IM–2210–6 is consistent with the Act. Replacing NASD IM–2210–6 with FINRA Rule 2214 will bring greater transparency to the correct FINRA rule.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The proposed amendments do not impose an undue burden on competition as the proposal will amend the Exchange's General 9, Section 51 to remove inaccurate FINRA rule references and replace them with references to current FINRA Rules that apply to research analysts.

The Exchange's proposal to amend General 9, Section 10, Recommendations to Customers (Suitability), to update a citation within subparagraph (b)(3) to NASD Rule IM–2210–6 does not impose an undue burden on competition. Replacing NASD IM–2210–6 with FINRA Rule 2214 will bring greater transparency to the correct FINRA rule.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[16] and Rule 19b–4(f)(6) thereunder.[17]

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 change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NASDAQ–2021–064 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–NASDAQ–2021–064. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number *SR–NASDAQ–2021–064* and should be submitted on or before September 20, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[18]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2021–18553 Filed 8–27–21; 8:45 am]

BILLING CODE 8011–01–P

[13] *See* Securities Exchange Act Release No. 64984 (June 28, 2011), 76 FR 46870 (August 3, 2011) (SR–FINRA–2011–035) (Notice of Filing of Proposed Rule Change To Adopt FINRA Rules 2210 (Communications With the Public), 2212 (Use of Investment Companies Rankings in Retail Communications), 2213 (Requirements for the Use of Bond Mutual Fund Volatility Ratings), 2214 (Requirements for the Use of Investment Analysis Tools), 2215 (Communications With the Public Regarding Security Futures), and 2216 (Communications With the Public About Collateralized Mortgage Obligations (CMOs)) in the Consolidated FINRA Rulebook).

[14] 15 U.S.C. 78f(b).

[15] 15 U.S.C. 78f(b)(5).

[16] 15 U.S.C. 78s(b)(3)(A).

[17] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[18] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–92739; File No. SR–CBOE–2021–048]

Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Fees Schedule Regarding Executions in the Cboe Compression Service

August 24, 2021.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on August 12, 2021, Cboe Exchange, Inc. (the ''Exchange'' or ''Cboe Options'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe Exchange, Inc. (the ''Exchange'' or ''Cboe Options'') proposes to amend its fees schedule. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its Fees Schedule in connection with executions of S&P 500 Index options (''SPX'') in the Cboe Compression Service (''CCS'') and to make a clarifying change regarding Position Compression Cross (''PCC'') orders, effective August 12, 2021.

Specifically, the Exchange recently adopted the CCS for SPX (including SPX Weeklys (''SPXW'')),[3] which it intends to launch on August 12, 2021. CCS is an additional, voluntary compression tool that Trading Permit Holders (''TPHs'') can use to close SPX positions to reduce regulatory capital attributable to their SPX holdings. To participate, a TPH must submit a ''position list'' prior to an Exchange-specified time after the close of trading on the specified day that details all of the open SPX positions it would like to close out. If all TPHs that submit position lists on that day agree to the compression proposal provided by the Exchange, the Exchange then runs an automated process to match offsetting positions in an anonymized manner and then effects the transactions at specified compression prices [4] off the exchange.[5]

The Exchange now proposes to amend its Fees Schedule in connection with the planned implementation of CCS for SPX/SPXW. Particularly, the Exchange proposes to waive all transaction fees and applicable surcharges incurred as a result of CCS transactions in SPX/SPXW.

First, the proposed rule change amends footnote 41 so that transaction fees and applicable surcharges are waived for CCS transactions, as they currently are for Position Compression Cross (''PCC'') transactions, which TPHs may also use to compress their positions in SPX/SPXW. Specifically, the proposed rule change amends footnote 41 to provide that the Exchange shall waive transaction fees, including the Index License Surcharge and SPX/SPXW Execution Surcharge, for (i) PCC transactions executed electronically or in open outcry, as applicable, and (ii) CCS transactions, and that PCC and CCS transactions will not count towards any volume thresholds. The Exchange notes that Footnote 41 is currently appended to: (1) SPX/SPXW and SPESG Liquidity Provider Sliding Scale; (2) Clearing Trading Permit Holder Proprietary Products Sliding Scale; (3) Select Customer Options Reduction (''SCORe'') Program; (4) SPX/SPXW Market-Maker Tier Appointment Fees; (5) Floor Broker Trading Surcharge; (6) Floor Broker ADV Discount; (7) Floor Brokerage Fees Discount Scale; and (8) Frequent Trader Program; [6] therefore, CCS transactions, like PCC transactions, will not count towards any volume thresholds for these programs. The proposed rule change also appends footnote 41 to the line item for SPX (incl SPXW) and SPESG that corresponds to Joint Back-Office (''JBO''), Non-TPH Market-Maker and Professional transaction fees to make it clear that all SPX/SPXW-related transaction fees and applicable surcharges for PCC transactions and CCS transactions, as proposed, are waived. Next, the proposed rule change amends footnote 17 of the Fees Schedule to explicitly exclude CCS transactions from the FLEX Surcharge Fee.[7] Finally, the proposed rule change amends footnote 21 of the Fees Schedule to explicitly exclude PCC orders and CCS transactions from the SPX, SPXW and SPESG Execution Surcharge. The Exchange notes that the SPX, SPXW and SPESG Surcharge does not currently apply to PCC transactions, as provided in footnote 41; the proposed rule change merely adds PCC to footnote 21 to provide additional clarity in the Fees Schedule.

The Exchange wishes to waive transaction fees and surcharges for CCS transactions to encourage TPHs to use the service. The Exchange believes compression of SPX positions using the CCS would improve market liquidity by freeing TPHs' capital currently covering nearly worthless positions and allow them to put that capital back into the markets to facilitate execution of customer orders. As CCS transactions

[3] *See* Securities Exchange Release No. 92354 (July 8, 2021), 86 FR 37197 (July 14, 2021) (SR–CBOE–2021–020) (Notice of Filing of Amendment No. 1 and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment No. 1, To Adopt Rule 6.10 To Introduce a Voluntary Multilateral Compression Service for SPX Options).

[4] The ''compression price'' is generally the price of the option as close as possible to the midpoint of the NBBO at the close of the trading day or the daily marking time, subject to adjustment using generally accepted volatility and options pricing models in the event of wide markets, market volatility, or other unusual circumstances.

[5] The Exchange notifies the TPH participants of each TPH's individual compression proposal, and each TPH with at least one offsetting position must notify the Exchange whether it accepts its individual proposal in order to proceed with the CCS transactions.

[6] The Exchange notes that footnote 41 is also appended to the Floor Broker Sliding Scale Rebate Program; however, this program is not applicable generally to orders in SPX/SPXW.

[7] The Exchange notes that PCC for FLEX is not currently supported, therefore this surcharge is not currently applicable to PCC orders.

will not incur any fees or surcharges, the Exchange does not believe that CCS volume should be counted towards volume thresholds for the applicable incentive programs. The Exchange again notes this is in line with the manner in which PCC orders, which is another compression tool available to TPHs, are currently treated pursuant to the Fees Schedule.

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.[8] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[9] 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 Section 6(b)(4) of the Act,[10] which requires that Exchange rules provide for the equitable allocation of reasonable dues, fees, and other charges among its Trading Permit Holders and other persons using its facilities.

The Exchange believes the proposed rule change to waive SPX/SPXW transaction fees, including the SPX, SPXW and SPESG Execution Surcharge, and applicable SPX/SPXW surcharges, including the FLEX Surcharge Fee, for CCS transactions is reasonable because market participants will not be subject to transaction fees or surcharges for these executions. As such, the proposed waivers are reasonably designed to incentivize TPHs to submit compression lists to the Exchange and compress positions, which the Exchange believes would improve market liquidity by freeing TPHs' capital currently covering nearly worthless positions and allow them to put that capital back into the markets to facilitate execution of customer orders. The Exchange believes the proposed rule change to not count CCS volume towards volume thresholds for any applicable incentive program is reasonable, as such transactions will not incur any fees or surcharges for such volume. The Exchange also notes that it is reasonable to exclude such volume from the volume thresholds for the SPX/SPXW Market-Maker Tier Appointment Fee and SPX/SPXW Floor Broker Trading Surcharge because, like for PCC transactions, the Exchange does not want to discourage such compression transactions. The Exchange also believes that the proposed rule change is reasonable as the Exchange already waives SPX/SPXW transaction fees and applicable surcharges for PCC orders, which is another compression tool available to TPHs, and also excludes PCC volume from the same incentive programs.

The Exchange believes that the proposed fee/surcharge waivers and exclusion from incentive program volume calculations for CCS transactions are equitable and not unfairly discriminatory because they apply uniformly to all market participants who choose to use CCS to compress their SPX/SPXW positions, in the same manner in which fee/surcharge waivers and exclusions from incentive program volume calculations for PCC orders are applied uniformly to all market participants that submit PCC orders today.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule changes will impose any burden on competition that are not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposed rule change will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because the proposed changes apply equally to all similarly situated market participants, *i.e.,* all market participants who choose to use CCS to compress their SPX/SPXW positions. The Exchange does not believe that the proposed rule change will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because the proposed rule change applies only to an Exchange proprietary product, which is traded exclusively on Cboe Options. The Exchange believes the proposed rule change will promote competition, as it may incentivize TPHs to use the CCS to compress SPX positions, which the Exchange believes would improve market liquidity by freeing TPHs' capital currently covering nearly worthless positions and allow them to put that capital back into the markets to facilitate execution of customer orders.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act[11] and Rule 19b–4(f)(2)[12] 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: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission 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–2021–048 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–2021–048. 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

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(5).

[10] 15 U.S.C. 78f(b)(4).

[11] 15 U.S.C. 78s(b)(3)(A)(ii).

[12] 17 CFR 240.19b–4(f)(2).

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–2021–048 and should be submitted on or before September 20, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2021–18554 Filed 8–27–21; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–92737; File No. SR–BX–2021–035]

Self-Regulatory Organizations; Nasdaq BX, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend General 9, Section 51, Research Analysts

August 24, 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 12, 2021, Nasdaq BX, Inc. (''BX'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend General 9, Section 51, Research Analysts.

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/bx/rules,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend General 9, Section 51, Research Analysts. Specifically, the Exchange proposes to (1) remove references to FINRA Rules 1120[3] and 1250;[4] and (2) add references to FINRA Rules 1240 and 1220(a)(6), (a)(14) and (b)(6).

By way of background, FINRA previously deleted in their entirety the NASD Rule 1000 Series relating to registration of Principals and Representatives and adopted rules relating to qualification and registration requirements in the Consolidated FINRA Rulebook.[5] In that rule change, FINRA Rule 1250 was renumbered to FINRA Rule 1240.[6] FINRA Rule 1240 describes continuing education requirements applicable to registered persons and consists of a Regulatory Element and a Firm Element.

BX subsequently filed a rule change[7] to amend, reorganize and enhance certain of its corresponding membership, registration and qualification requirements rules in part in response to the FINRA Rule Changes,[8] and also in order to facilitate

[13] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] BX Rule 1050 (subsequently renumbered as General 9, Section 51) originally referred to NASD Rule 1120, Continuing Education Requirements. *See* Securities Exchange Act Release Nos. 84353 (October 3, 2018), 83 FR 50999 (October 10, 2018) (SR–BX–2018–047) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend, Reorganize and Enhance Membership, Registration and Qualification Rules, and To Make Conforming Changes to Certain Other Rules); and 87468 (November 5, 2019), 84 FR 61091 (November 12, 2019) (SR–BX–2019–039) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Relocate Rules From Its Current Rulebook Into Its New Rulebook Shell) (renumbering BX Rule 1050 as General 9, Section 51). The SEC approved the adoption of NASD Rule 1120 (Continuing Education Requirements) as new FINRA Rule 1250 (Continuing Education Requirements) subject to certain amendments, effective on October 17, 2011. *See* Securities Exchange Act Release No. 64687 (June 16, 2011); 76 FR 36586 (June 22, 2011) (SR–FINRA–2011–013) (Notice of Filing of Amendment No. 1 and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment No. 1, Establishing a Registration Category, Qualification Examination and Continuing Education Requirements for Certain Operations Personnel, and Adopt FINRA Rule 1250 (Continuing Education Requirements) in the Consolidated FINRA Rulebook). *See also* note 5 below.

[4] FINRA Rule 1250 was renumbered as FINRA Rule 1240. *See* note 5 below.

[5] *See* Securities Exchange Act Release No. 81098 (July 7, 2017), 82 FR 32419 (July 13, 2017) (SR–FINRA–2017–007) (Order Approving Proposed Rule Change To Adopt Consolidated Registration Rules, Restructure the Representative-Level Qualification Examination Program, Allow Permissive Registration, Establish Exam Waiver Process for Persons Working for Financial Services Affiliate of Member, and Amend the Continuing Education Requirements).

[6] *Id.*

[7] *See* Securities Exchange Act Release No. 84353 (October 3, 2018), 84 FR 50999 (October 10, 2018) (SR–BX–2018–047) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend, Reorganize and Enhance Membership, Registration and Qualification Rules, and To Make Conforming Changes to Certain Other Rules).

[8] *See* note 5 above.

the adoption of similar membership, registration and qualification rules by BX's affiliated exchanges. In that rule change, BX amended its Rule 1050 (now General 9, Section 51) to remove references to NASD Rules 2711, 1050, 1022 and 1120 and it replaced those references with FINRA Rules 1120, 1250, and 2241.[9] The reference to FINRA Rule 1120 was in error because, at that time, FINRA Rule 1120 did not exist. NASD Rule 1120 was adopted as FINRA Rule 1250.[10] Also, the references to FINRA Rule 1250 were in error because FINRA Rule 1250 was renumbered as FINRA Rule 1240.[11] Of note, NASD Rules 1050 (Registration of Research Analysts) and 1022 (Categories of Principal Registrations) were superseded by the FINRA Rule 1200 Series but this was not reflected within SR–FINRA–2018–078 [sic].[12]

At this time, Nasdaq [sic] proposes to remove the incorrect references to FINRA Rules 1120 and 1250 as such rules do not exist. The Exchange proposes to update the reference to FINRA Rule 1250 with a reference to current FINRA Rule 1240. The Exchange also proposes to add references to FINRA Rules 1220(a)(6), (a)(14), and (b)(6), because they correspond to previous NASD Rules 1050 and 1022. These changes would reflect the current FINRA rules relating to research analysts.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[13] in general, and furthers the objectives of Section 6(b)(5) of the Act,[14] in particular, in that it is designed to promote just and equitable principles of trade and to protect investors and the public interest. The Exchange's proposal to remove inaccurate FINRA rule references from General 9, Section 51 and replace them with references to current FINRA rules that apply to research analysts and [sic] is consistent with the Act. The Exchange's proposal will align Nasdaq's [sic] rule to FINRA rules.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The proposed amendments do not impose an undue burden on competition as the proposal will amend the Exchange's General 9, Section 51 to remove inaccurate FINRA rule references and replace them with references to current FINRA Rules that apply to research analysts.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[15] and Rule 19b–4(f)(6) thereunder.[16]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall 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–BX–2021–035 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–BX–2021–035.* 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–BX–2021–035* and should be submitted on or before September 20, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2021–18552 Filed 8–27–21; 8:45 am]

BILLING CODE 8011–01–P

[9] *See* note 7 above.

[10] *See* note 3 above.

[11] *See* notes 4 and 5 above.

[12] *See* note 5 above.

[13] 15 U.S.C. 78f(b).

[14] 15 U.S.C. 78f(b)(5).

[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 a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[17] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meetings

TIME AND DATE: 2 p.m. on Thursday, September 2, 2021.

PLACE: The meeting will be held via remote means and/or at the Commission's headquarters, 100 F Street NE, Washington, DC 20549.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters also may be present.

In the event that the time, date, or location of this meeting changes, an announcement of the change, along with the new time, date, and/or place of the meeting will be posted on the Commission's website at *https://www.sec.gov*.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (6), (7), (8), 9(B) and (10) and 17 CFR 200.402(a)(3), (a)(5), (a)(6), (a)(7), (a)(8), (a)(9)(ii) and (a)(10), permit consideration of the scheduled matters at the closed meeting.

The subject matter of the closed meeting will consist of the following topics:

Institution and settlement of injunctive actions;

Institution and settlement of administrative proceedings;

Resolution of litigation claims; and

Other matters relating to examinations and enforcement proceedings.

At times, changes in Commission priorities require alterations in the scheduling of meeting agenda items that may consist of adjudicatory, examination, litigation, or regulatory matters.

CONTACT PERSON FOR MORE INFORMATION: For further information; please contact Vanessa A. Countryman from the Office of the Secretary at (202) 551–5400.

Dated: August 26, 2021.

Vanessa A. Countryman,

Secretary.

[FR Doc. 2021–18756 Filed 8–26–21; 4:15 pm]

BILLING CODE 8011–01–P

SMALL BUSINESS ADMINISTRATION

Privacy Act of 1974 Matching Program

AGENCY: Office of Disaster Assistance, U.S. Small Business Administration.

ACTION: Notice of a new matching program.

SUMMARY: Department of Homeland Security/Federal Emergency Management Agency (DHS/FEMA) and Small Business Administration (SBA) may not provide duplicative disaster assistance to individuals, businesses, including Private-Not-for Profits (PNPs), or other entities for the same disaster or emergency losses. To accomplish this, DHS/FEMA and SBA will participate in a Computer Matching program to share data and financial/benefits award decisions of individuals, businesses, and/or other entities to verify eligibility for benefits, prevent duplicative aid from being provided in response to the same disaster or emergency and recover aid when duplication of benefits is identified.

DATES: [Submit comments on or before September 29, 2021. This new matching agreement will be effective upon publication and expires 18 months from the date of publication.

ADDRESSES: Inquiries and comments on this proposed matching program can be addressed to

Alejandro Contreras, Director, Preparedness, Communication and Coordination,

Alejandro.Conteras@sba.gov and Matthew Redding, Deputy Director, Individual Assistance Division, Recovery Directorate, *Matthew.Redding@fema.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: For general information, please contact:

Tammi Hines (202–212–5100), Senior Director for Information Management, Federal Emergency Management Agency, Department of Homeland Security; and David Trzcinski, (202–205–6372), Acting Chief Information Security Officer, Office of the Chief Information Officer, Small Business Administration.

SUPPLEMENTARY INFORMATION: The Agreement between SBA and DHS/FEMA is expected to aid in the reduction of Duplications of Benefits (DOB) payments to survivors of major disaster declarations. This will be accomplished by matching specific FEMA disaster applicant data with SBA disaster loan application and decision data for a declared disaster, as set forth in the Agreement. Since FY 2015 the use of the Agreement has identified 521,873 instances where the same disaster survivor submitted applications to, both agencies, a yearly average of 86,978. Prior to the use of this computer match, SBA loan officers used stand-alone Personal Computers to access FEMA's computer system, National Emergency Management Information System-Individual Assistance (NEMIS–IA) and matched records manually. SBA and DHS/FEMA are dual source and recipient agencies in this matching program.

Participating Agencies U.S.

Department of Homeland Security/Federal Emergency Management Agency and U.S. Small Business Administration.

Authority for Conducting the Matching Program

Robert T. Stafford Disaster Relief and Emergency Assistance Act (Pub. L. 93–288), as amended at 42 U.S.C. 5121 *et seq*. The Debt Collection Improvement Act of 1996, 31 U.S.C. 3325(d) and 7701(c)(1).

Purpose(s)

DHS/FEMA and SBA may not provide duplicative disaster assistance to individuals, businesses, including Private-Not-for Profits (PNPs), or other entities for the same disaster or emergency losses. To accomplish this, DHS/FEMA and SBA will participate in a Computer Matching program to share data and financial/benefits award decisions of individuals, businesses, and/or other entities to verify eligibility for benefits, prevent duplicative aid from being provided in response to the same disaster or emergency and recover aid when duplication of benefits is identified.

Categories of Individuals

Disaster survivor applicants: individuals, homeowners, renters, businesses, including sole proprietors, Venue operators, and other entities to include Private-Not-for-Profits. All individuals who apply for or express interest in applying for FEMA disaster assistance following a Presidentially declared major disaster or emergency with specific criteria.

Categories of Records

Information relating to pre-application registrants, disaster home and business loan applicants, loan advance and grant applicants and recipients of loan advances and grants, disaster home and business loans. Included are Loan, loan advance, and grant applications, supporting documents, personal history, financial statements, credit information, investigative reports, appraisers' reports, waivers, loan record transfers, correspondence, recommendations, authorizations, disbursement amount, term and rate, payment history, collateral, UCC filings and re-filings, collection and liquidation activities, financial statements, settlements and compromises, bank information, field visit reports, borrower's insurance information and loan accounting information.

Specific data elements to match are: Name, tax identification number/social security number, product (home/business), damaged dwelling address,

application data, loss to personal property data, loss mitigation data, SBA loan data, and SBA event date, FEMA Registration ID number, FEMA Disaster ID number, and date of birth, telephone number, damaged property data, insurance policy information, contact address if different from damaged dwelling address, flood zone, flood insurance data, and grant amounts.

System(s) of Records

SBA–20 Disaster Loan Case File, 74 FR 14911 (April 1, 2009) system of records, as amended. Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA)–008, 78 FR 83 (April 30, 2013) system of records as amended.

James Rivera,

Associate Administrator for Disaster Assistance, U.S. Small Business Administration.

[FR Doc. 2021–18551 Filed 8–27–21; 8:45 am]

BILLING CODE P

DEPARTMENT OF STATE

[Public Notice 11514]

Notice of Determinations; Additional Culturally Significant Objects Being Imported for Exhibition—Determinations: ''Surrealism Beyond Borders'' Exhibition

SUMMARY: On June 15, 2021, notice was published on page 31779 of the **Federal Register** (volume 86, number 113) of determinations pertaining to certain objects to be included in an exhibition entitled ''Surrealism Beyond Borders.'' Notice is hereby given of the following determinations: I hereby determine that two additional objects being imported from abroad pursuant to agreements with their foreign owners or custodians for temporary display in the aforesaid exhibition at The Metropolitan Museum of Art, New York, New York, and at possible additional exhibitions or venues yet to be determined, are of cultural significance, and, further, that their temporary exhibition or display within the United States as aforementioned is in the national interest. I have ordered that Public Notice of these determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Chi D. Tran, Program Administrator, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, 2200 C Street NW, (SA–5), Suite 5H03, Washington, DC 20522–0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, and Delegation of Authority No. 236–3 of August 28, 2000.

Matthew R. Lussenhop,

Acting Assistant Secretary, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2021–18625 Filed 8–27–21; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice 11516]

Notice of Determinations; Culturally Significant Object Being Imported for Exhibition—Determinations: ''Piranesi on the Page'' Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that one object being imported from abroad pursuant to an agreement with its foreign owner or custodian for temporary display in the exhibition ''Piranesi on the Page'' at the Princeton University Library, Princeton, New Jersey, and at possible additional exhibitions or venues yet to be determined, is of cultural significance, and, further, that its temporary exhibition or display within the United States as aforementioned is in the national interest. I have ordered that Public Notice of these determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Chi D. Tran, Program Administrator, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, 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. 2021–18626 Filed 8–27–21; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice 11517]

Notice of Determinations; Culturally Significant Objects Being Imported for Exhibition—Determinations: ''Turner's Modern World'' Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that certain objects being imported from abroad pursuant to agreements with their foreign owners or custodians for temporary display in the exhibition ''Turner's Modern World'' at the Kimbell Art Museum, Fort Worth, Texas, the Museum of Arts, Boston, in Boston, Massachusetts, 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. 2021–18627 Filed 8–27–21; 8:45 am]

BILLING CODE 4710–05–P

SURFACE TRANSPORTATION BOARD

30-Day Notice of Intent To Seek Reinstatement Without Change: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery

ACTION: Notice and request for comments.

AGENCY: Surface Transportation Board.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act of 1995, 44 U.S.C. 3501–3521 (PRA), the Surface Transportation Board (STB or Board) gives notice that it is requesting from the Office of Management and Budget (OMB) a reinstatement without change of Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery. This collection was developed as part of a Federal Government-wide effort to streamline the process for seeking feedback from the public on the Board's service delivery. The Board previously published a notice about this collection in the **Federal Register** (June 24, 2021). That notice allowed for a 60-day public review and comment period. No comments were received.

DATES: Comments on this information collection should be submitted by September 29, 2021.

ADDRESSES: Written comments should be identified as ''Paperwork Reduction Act Comments, Surface Transportation Board: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.'' Written comments for the proposed information collection should be submitted via *www.reginfo.gov/public/do/PRAMain.* This information collection can be accessed by selecting ''Currently under Review—Open for Public Comments'' or by using the search function. As an alternative, written comments may be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Michael J. McManus, Surface Transportation Board Desk Officer: via email at *oira_submission@omb.eop.gov;* by fax at (202) 395–1743; or by mail to Room 10235, 725 17th Street NW, Washington, DC 20503.

Please also direct comments to Chris Oehrle, PRA Officer, Surface Transportation Board, 395 E Street SW, Washington, DC 20423–0001 and to *PRA@stb.gov.* For further information regarding this collection, contact Michael Higgins, Deputy Director, Office of Public Assistance, Governmental Affairs (OPAGAC), and Compliance, at (202) 245–0284 or *michael.higgins@stb.gov.* Assistance for the hearing impaired is available through the Federal Relay Service at (800) 877–8339.

SUPPLEMENTARY INFORMATION: For each collection, comments are requested concerning: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose, or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install, and utilize technology and systems for the purpose of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information. Submitted comments will be summarized and included in the Board's request for OMB approval.

Description of Collection

Title: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.

OMB Control Number: 2140–0019.

STB Form Number: None.

Type of Review: Extension without change.

Respondents: Customers and stakeholders of the Board.

Number of Respondents, Frequency, Estimated Time Per Response, and Total Burden Hours: A variety of instruments and platforms may be used to collect information from respondents. The estimated annual burden hours (277) are based on the number of collections we expect to conduct over the requested period for this clearance, as set forth in the table below.

ESTIMATED ANNUAL REPORTING BURDEN

Type of collection	Number of respondents	Annual frequency per response	Hours per response	Total hours
Focus Group	15	1	2	30
Comment Card/Brief Survey	200	2	.17	67
Surveys	150	2	.6	180

Needs and Uses: The proposed information collection activity provides a means to garner qualitative customer and stakeholder feedback in an efficient and timely manner, in accordance with the Administration's commitment to improving service delivery. By qualitative feedback we mean information that provides useful insights on perceptions and opinions, but not statistical surveys that yield quantitative results that can be generalized to the population of study. This feedback will provide insights into customer or stakeholder perceptions, experiences, and expectations; provide an early warning with issues about how the Board provides service to the public; or focus attention on areas where communication, training, or changes in operations might improve delivery of products or services. These collections will allow for ongoing, collaborative, and actionable communications between the Board and its customers and stakeholders. They will also allow feedback to contribute directly to the improvement of program management.

The solicitation of feedback will target areas such as: timeliness, appropriateness, accuracy of information, courtesy, efficiency of service delivery, and resolution of issues with service delivery. Responses will be assessed to plan and inform efforts to improve or maintain the

quality of service offered to the public. If this information is not collected, vital feedback from customers and stakeholders on the Board's services will be unavailable.

The Board will only process a collection under this generic clearance if it meets the following conditions:

- The collections are voluntary;
- the collections are low-burden for respondents (based on considerations of total burden hours, total number of respondents, or burden-hours per respondent) and are low-cost for both the respondents and the Federal Government;
- the collections are non-controversial and do not raise issues of concern to other Federal agencies;
- any collection is targeted to the solicitation of opinions from respondents who have experience with the program or may have experience with the program in the near future;
- personally identifiable information is collected only to the extent necessary and is not retained;
- information gathered is used only internally for general service improvement and program management purposes and not for release outside of the agency;
- information gathered is used for the purpose of substantially informing influential policy decisions; and
- information gathered will yield qualitative information, and the collections will not be designed or expected to yield statistically reliable results or used as though the results are generalizable to the population of study.

Feedback collected under this generic clearance will provide useful information, but will not yield data that can be generalized to the overall population. Such data uses would require more rigorous designs than the collections covered by this notice.

As a general matter, information collections will not result in any new system of records containing privacy information and will not ask questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

Under the PRA, a federal agency that conducts or sponsors a collection of information must display a currently valid OMB control number. A collection of information, which is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c), includes agency requirements that persons submit reports, keep records, or provide information to the agency, third parties, or the public. Section 3507(b) of the PRA requires, concurrent with an agency's submitting a collection to OMB for approval, a 30-day notice and comment period through publication in the **Federal Register** concerning each proposed collection of information.

Comments submitted in response to this notice may be made available to the public by the Board. For this reason, please do not include in your comments information of a confidential nature, such as sensitive personal information or proprietary information. If you send an electronic comment (e-file or email), your email address is automatically captured and may be accessed if your comments are made public. Please note that responses to this public comment request containing any routine notice about the confidentiality of the communication will be treated as public comments that may be made available to the public notwithstanding the inclusion of the routine notice.

Dated: August 24, 2021.

Tammy Lowery,

Clearance Clerk.

[FR Doc. 2021–18652 Filed 8–27–21; 8:45 am]

BILLING CODE 4915–01–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket Number USTR–2021–0013]

2021 Review of Notorious Markets for Counterfeiting and Piracy: Comment Request

AGENCY: Office of the United States Trade Representative.

ACTION: Request for comments.

SUMMARY: The Office of the United States Trade Representative (USTR) requests comments that identify online and physical markets to be considered for inclusion in the 2021 Review of Notorious Markets for Counterfeiting and Piracy (Notorious Markets List). The Notorious Markets List identifies examples of online and physical markets that reportedly engage in and facilitate substantial copyright piracy or trademark counterfeiting. The issue focus for the 2021 Notorious Markets List will examine the adverse impact of counterfeiting on workers involved with the manufacture of counterfeit goods.

DATES: October 11, 2021, at 11:59 p.m. ET: Deadline for submission of written comments.

October 25, 2021, at 11:59 p.m. ET: Deadline for submission of rebuttal comments and other information USTR should consider during the review.

ADDRESSES: You should submit written comments through the Federal eRulemaking Portal: *http://www.regulations.gov* (*Regulations.gov*). Follow the instructions for submitting comments in section III below. For alternatives to online submissions, please contact Jacob Ewerdt at *notoriousmarkets@ustr.eop.gov* or (202) 395–4510 before transmitting a comment and in advance of the relevant deadline.

FOR FURTHER INFORMATION CONTACT: Jacob Ewerdt, Director for Innovation and Intellectual Property, at *notoriousmarkets@ustr.eop.gov* or (202) 395–4510. You can find information about the Special 301 Review, including the Notorious Markets List, at *www.ustr.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

The United States is concerned with trademark counterfeiting and copyright piracy on a commercial scale because these illicit activities cause significant financial losses for right holders, legitimate businesses, and governments. In addition, they undermine critical U.S. comparative advantages in innovation and creativity to the detriment of American workers, and can pose significant risks to consumer health and safety and privacy and security. Conducted under the auspices of the Special 301 program and the authority of the U.S. Trade Representative to address practices that have significant adverse impact on the value of U.S. innovation, the Notorious Markets List identifies examples of online and physical markets that reportedly engage in and facilitate substantial copyright piracy or trademark counterfeiting that infringe on U.S. intellectual property (IP).

Beginning in 2006, USTR identified notorious markets in the annual Special 301 Report. In 2010, USTR announced that it would publish the Notorious Markets List as an Out-of-Cycle Review, separate from the annual Special 301 Report. USTR published the first Notorious Markets List in February 2011. USTR develops the annual Notorious Markets List based upon public comments solicited through the **Federal Register** and in consultation with Federal agencies that serve on the Special 301 Subcommittee of the Trade Policy Staff Committee.

The United States encourages owners and operators of markets reportedly involved in piracy or counterfeiting to adopt business models that rely on the licensed distribution of legitimate content and products and to work with right holders and enforcement officials to address infringement. USTR also encourages foreign government authorities to intensify their efforts to

investigate reports of piracy and counterfeiting in such markets, and to pursue appropriate enforcement actions. The Notorious Markets List does not purport to reflect findings of legal violations, nor does it reflect the U.S. Government's analysis of the general IP protection and enforcement climate in the country or countries concerned. For an analysis of the IP climate in particular countries, please refer to the annual Special 301 Report, published each spring no later than 30 days after USTR submits the National Trade Estimate to Congress.

II. Public Comments

USTR invites written comments concerning examples of online and physical markets that reportedly engage in and facilitate substantial copyright piracy or trademark counterfeiting that infringe on U.S. intellectual property. USTR also invites written comments for the Notorious Markets List 'issue focus' that highlights an issue related to the facilitation of substantial trademark counterfeiting or copyright piracy. The issue focus for the 2021 Notorious Markets List will examine the adverse impact of counterfeiting on workers involved with the manufacture of counterfeit goods. Some governmental and intergovernmental organization reports suggest that counterfeit goods often may be produced in unsafe workplaces with substandard and unsafe materials, by workers who often may be paid little or sometimes nothing in the case of forced labor. USTR invites the submission of research, studies, reports, evidence, and business or personal experience on this topic.

To facilitate the review, written comments should be as detailed as possible. Comments must clearly identify the market and the reasons why the commenter believes that the market should be included in the Notorious Markets List. Commenters should include the following information, as applicable:

For physical markets:

- The market's name and location, *e.g.,* common name, street address, neighborhood, shopping district, city, etc., and the identity of the principal owners/operators.

For online markets:

- The domain name(s) past and present, available registration information, and name(s) and location(s) of the hosting provider(s) and operator(s).
- Information on the volume of internet traffic associated with the website, including number of visitors and page views, average time spent on the site, estimate of the number of infringing goods offered, sold, or traded and number of infringing files streamed, shared, seeded, leeched, downloaded, uploaded, or otherwise distributed or reproduced, and global or country popularity rating (*e.g.,* Alexa rank).
- Revenue sources such as sales, subscriptions, donations, upload incentives, or advertising and the methods by which that revenue is collected.

For physical and online markets:

- Whether the market is owned, operated, or otherwise affiliated with a government entity.
- Types of counterfeit or pirated products or services sold, traded, distributed, or otherwise made available at that market.
- Volume of counterfeit or pirated goods or services or other indicia of a market's scale, reach, or relative significance in a given geographic area or with respect to a category of goods or services.
- Estimates of economic harm to right holders resulting from the piracy or counterfeiting and a description of the methodology used to calculate the harm.
- Whether the volume of counterfeit or pirated goods or estimates of harm has increased or decreased from previous years, and an approximate calculation of that increase or decrease for each year.
- Whether the infringing goods or services sold, traded, distributed, or made available pose a risk to public health or safety.
- Any known contractual, civil, administrative, or criminal enforcement activity against the market and the outcome of that enforcement activity.
- Additional actions taken by right holders against the market such as takedown notices, requests to sites to remove URLs or infringing content, cease and desist letters, warning letters to landlords and requests to enforce the terms of their leases, requests to providers to enforce their terms of service or terms of use, and the outcome of these actions.
- Additional actions taken by the market owners or operators to remove, limit, or discourage the availability of counterfeit or pirated goods or services, including policies to prevent or remove access to such goods or services, or to disable seller or user accounts, the effectiveness of market policies and guidelines in addressing counterfeiting and piracy, and the level of cooperation with right holders and law enforcement.
- Any other additional information relevant to the review.

III. Submission Instructions

All submissions must be in English and sent electronically via *Regulations.gov*. To submit comments, locate the docket (folder) by entering the docket number USTR–2021–0013 in the 'Enter Keyword or IP' window at the *Regulations.gov* homepage and click 'search.' The site will provide a search-results page listing all documents associated with this docket. Locate the reference to this notice by selecting 'notice' under 'document type' on the left side of the search-results page, and click on the link entitled 'comment now!' You should provide comments in an attached document, and name the file according to the following protocol, as appropriate: Commenter Name or Organization_2021 Notorious Markets. Please include the following information in the 'type comment' field: 2021 Review of Notorious Markets for Counterfeiting and Piracy. USTR prefers submissions in Microsoft Word (.docx) or Adobe Acrobat (.pdf) format. If the submission is in another file format, please indicate the name of the software application in the 'type comment' field. For further information on using *Regulations.gov*, please select 'how to use *Regulations.gov*' on the bottom of any page.

Please do not attach separate cover letters to electronic submissions. Instead, include any information that might appear in a cover letter in the comments themselves. Similarly, to the extent possible, please include any exhibits, annexes, or other attachments in the same file as the comment itself, rather than submitting them as separate files.

For any comment submitted electronically that contains business confidential information (BCI), the file name of the business confidential version should begin with the characters 'BCI'. Any page containing BCI must be clearly marked 'BUSINESS CONFIDENTIAL' on the top of that page and the submission should clearly indicate, via brackets, highlighting, or other means, the specific information that is business confidential. A filer requesting business confidential treatment must certify that the information is business confidential and that they would not customarily release it to the public. Additionally, the submitter should type 'Business Confidential 2021 Review of Notorious Markets for Counterfeiting and Piracy' in the 'comment' field. Filers of comments containing BCI also must submit a public version. Begin the file name of the public version with the character 'P'. USTR will place the non-

business confidential version in the docket at *Regulations.gov* and it will be available for public inspection.

As noted, USTR strongly urges submitters to file comments through *Regulations.gov*. You must make any alternative arrangements in advance of the relevant deadline and before transmitting a comment by contacting Jacob Ewerdt at *notoriousmarkets@ustr.eop.gov* or (202) 395–4510.

USTR will post comments in the docket for public inspection, except properly designated BCI. You can view comments on *Regulations.gov* by entering docket number USTR–2021–0013 in the search field on the home page.

Daniel Lee,

Assistant U.S. Trade Representative for Innovation and Intellectual Property (Acting), Office of the United States Trade Representative.

[FR Doc. 2021–18562 Filed 8–27–21; 8:45 am]

BILLING CODE 3290–F1–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA–2021–0067]

Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: High Density Traffic Airports; Slot Allocation and Transfer Methods.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on March 16, 2021. The FAA collects information from U.S. and foreign air carriers holding or requesting a slot at Ronald Reagan Washington National Airport (DCA), John F. Kennedy International Airport (JFK), and LaGuardia Airport (LGA); operating or requesting scheduled flights at Newark Liberty International Airport (EWR), Los Angeles International Airport (LAX), O'Hare International Airport (ORD), and San Francisco International Airport (SFO); and conducting unscheduled operations at DCA and LGA. The information collected is necessary to support the advance management of air traffic demand by the FAA Slot Administration in an effort to reduce potential delays. The FAA proposes renaming this information collection to ''FAA Runway Slot Administration and Schedule Analysis'' to more accurately reflect the collection of information related to multiple airports subject to different FAA regulatory and voluntary processes under this program.

DATES: Written comments should be submitted by September 29, 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: Matthew Gonabe, FAA Slot Administration, by email at: *matthew.gonabe@faa.gov;* phone: (609) 485–9554.

SUPPLEMENTARY INFORMATION:

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility, and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information.

OMB Control Number: 2120–0524.

Title: High Density Traffic Airports; Slot Allocation and Transfer Methods.

Form Numbers: There are no FAA forms associated with this collection.

Type of Review: Renewal of an information collection.

Background: The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on March 16, 2021 (86 FR 14515). The FAA has implemented several initiatives to address air traffic congestion and delay at certain airports within the National Airspace System (NAS). DCA slot rules are established under 14 CFR part 93, subparts K and S. The FAA has issued Orders limiting operations at JFK and LGA.[1] These Orders resulted from increasing congestion and delays at the airports requiring the FAA to allocate arrival and departure slots at JFK and LGA. In addition, the FAA has designated EWR, LAX, ORD, and SFO as Level 2 schedule-facilitated airports under the IATA Worldwide Slot Guidelines (WSG) now known as the Worldwide Airport Slot Guidelines (WASG).[2] At Level 2 airports, the FAA seeks the cooperation of all carriers planning operations, on a voluntary basis, to maintain close communications on runway schedules and facilitate adjustments, as needed.

At DCA, U.S. and foreign air carriers, including commuter operators, must notify the FAA of: (1) Written consent and requests for confirmation of slot transfers; (2) slots required to be returned and slots voluntarily returned; (3) requests to be included in a lottery for the permanent allocation of available slots; (4) reports on usage of slots on a bi-monthly basis; and (5) requests for slots in low-demand hours or other temporary allocations. Operators must obtain a reservation from the FAA prior to conducting an unscheduled operation. At LGA, U.S. and foreign air carriers must notify the FAA of: (1) Written consent and requests for confirmation of slot transfers; (2) slots required to be returned and slots voluntarily returned; (3) requests to be included in a lottery for the permanent allocation of available slots; and (4) reports usage of slots on a bi-monthly basis. Carriers must also request and obtain a reservation from the FAA prior to conducting an unscheduled operation. At JFK, U.S. and foreign air carriers must notify the FAA of: (1) Written consent and requests for confirmation of slot transfers; (2) requests for seasonal allocation of historic and additional available slots; (3) reports on usage of slots on a seasonal basis; (4) the return of slots; and (5) changes to allocated slots. At EWR, LAX, ORD, and SFO, all carriers are asked to notify the FAA of their intended operating schedules during

[1] Operating Limitations at John F. Kennedy International Airport, 73 FR 3510 (Jan. 18, 2008), as most recently amended 85 FR 58258 (Sep. 18, 2020); Operating Limitations at New York LaGuardia Airport, 71 FR 77854 (Dec. 27, 2006), as most recently amended 85 FR 58255 (Sep. 18, 2020).

[2] Notice of Submission Deadline for Schedule Information for O'Hare International, John F. Kennedy International, and Newark Liberty International Airports for the Summer 2009 Scheduling Season, 73 FR 54659 (Sept. 22, 2008); Notice of Submission Deadline for Schedule Information for San Francisco International Airport for the Summer 2012 Scheduling Season, 76 FR 64163 (Oct. 17, 2011); Notice of Submission Deadline for Schedule Information for Los Angeles International Airport for the Summer 2015 Scheduling Season 80 FR 12253 (Mar. 6, 2015); Notice of Change of Newark Liberty International Airport Designation, 81 FR 19861 (Apr. 6, 2016). The FAA most recently reaffirmed the Level 2 designations by 86 FR 24428 (May 6, 2021). These designations remain effective until the FAA announces a change in the **Federal Register**.

designated hours on a semiannual basis (for each winter and summer scheduling season) based on the IATA WASG Calendar of Coordination Activities and provide updates throughout the year when there are significant schedule changes.

The FAA estimates that all information from carriers is submitted electronically from data stored in carrier scheduling and operational databases. Requests for unscheduled flight reservations are submitted electronically via the internet. The FAA also proposes to re-name the collection to ''FAA Runway Slot Administration and Schedule Analysis'' to more accurately reflect the collection of information related to multiple airports subject to different FAA regulatory and voluntary processes.

Summary of Comments: On April 5, 2021, the FAA received an email from Airlines for America (A4A) requesting further supporting information for the FAA's March 16, 2021, 60-day notice. Specifically A4A requested the estimates used to derive the total annual burden of 5602.6 hours expressed in the March 16, 2021, notice. In response, the FAA placed a summary of communication and draft detailed annual hourly burden tables to the docket.[3]

The FAA received three comments during the 60-day comment period from Exhaustless Inc., Eastern Airlines, LLC (Eastern), and A4A. Exhaustless, Inc. objects to this information collection and questions the FAA's legal authority to manage slots and schedules at constrained airports in the United States. Comments submitted by Exhaustless, Inc. are outside the scope of this Paperwork Reduction Act proceeding. The purpose of this proceeding is to update the Agency's estimates of the information collection burden associated with established FAA rules, regulations, orders, policy and processes associated with the FAA's administration of runway slots and schedule review at affected airports in the United States. However, the FAA nevertheless reiterates that the FAA Administrator is required to ''develop plans and policy for the use of the navigable airspace and assign by regulation or order the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace,'' and to issue regulations for ''using the navigable airspace efficiently.'' 49 U.S.C. 40103(b). The FAA's administration of the runway slot program, including the establishment of runway schedule limits and facilitation of schedules at Level 2 airports, is adopted under the Administrator's mandate to efficiently manage the NAS.

Eastern supports the information collection and ''provides its recommendations to maximize the public benefit including: (1) Collecting information about the size of aircraft used in each slot; (2) collecting additional information on slot trades and transfers including consideration provided; (3) publishing slot administration reports in a machine-readable format; and (4) harmonizing slot administration data collection and reporting on a bi-monthly basis.''

Eastern's recommendations for collecting the size of the aircraft used in each slot, collecting additional information on slot trades and transfers including consideration provided, and harmonizing slot administration data collection and reporting among all the FAA slot controlled airports on a bi-monthly basis are suggestions that are also outside the scope of this Paperwork Reduction Act proceeding. These recommendations do not relate to the burden associated with existing rules and policy in effect and instead, would require changes to the existing rules, orders and policies currently in effect. Eastern's recommendation that FAA should publish slot administration reports in a machine-readable format is valuable feedback, though unrelated to the collection of information. The FAA currently publishes slot holder and operator reports, and uneven transfer reports in a PDF file format at *https://www.faa.gov/about/office_org/headquarters_offices/ato/service_units/systemops/perf_analysis/slot_administration/data/* and intends to review options for publishing additional data in a more accessible format for data analysis by interested stakeholders.

A4A's comment ''requests a different and simplified information collection process for managing the slot holdings of carriers with combined inventory and marketing control to drastically reduce information collection burdens.'' Essentially, A4A proposes programmatic changes to allow mainline and regional carriers to transfer slots among one another without requiring notification of each individual transfer to the FAA. A4A also asserts that FAA has underestimated the burden associated with transfers and provided data that they believe more accurately reflects the volume of transfers and associated burden. A4A indicates it ''conducted a survey of members to determine the actual number of slot transfers between operating and marketing carriers at DCA, LGA, and JFK for the month of July 2019, and found there were 36,180 such slot transfers. There were 14,125 slot transfers at DCA, 14,897 slot transfers at LGA, and 7,158 slot transfers at JFK, this is aggregated data, not estimates.'' Using the FAA's estimate of 6 minutes per slot transfer, A4A comments ''this results in 3,618 hours for the month of July 2019 or an annual burden of 43,416 hours or more than 770% of FAA's burden estimate.'' A4A asserts that this data further supports a change in the process for how transfers are managed because both FAA and carriers could benefit from reduced burden.

The FAA has reviewed the data presented by A4A as aggregated from information on actual transfers provided by its members. For July 2019, the data is generally consistent with the number of FAA slot transfers in effect during that month between carriers with combined inventory and marketing control. The A4A data is also generally consistent with published flight schedules when looking at the breakdown between the marketing and operating carriers. The large disparity between the FAA and A4A estimates appears to be a result of A4A using a different methodology for determining the volume of transfer requests submitted to the FAA.

The A4A calculations appear to consider each day that a slot transfer is in effect as a unique transfer that creates a unique burden-producing event with associated costs. Under the methodology used by A4A, the transfer of a daily slot for the entire month of July 2019 at a single airport would create 31 unique burdens. The transfer of the daily slot extrapolated on an annual basis would have created 365 unique burdens in 2019. The FAA does not agree with the methodology or burden estimates as proposed by A4A as it does not reflect how slot transfers between carriers under combined inventory and marketing control or those between other carriers are typically submitted to the FAA. Most slot transfers are not submitted by carriers to the FAA for single effective dates but rather for longer periods. The most common effective dates are for several weeks, months, or for all or most of a scheduling season. The FAA considers each slot transfer request from carriers, as well as the FAA reply, as a burden-producing event rather than the number of days in which a transfer is effective.

A4A's requested change for a different and simplified information collection process for managing the slot holdings of carriers with combined inventory and marketing control is outside the scope of

[3] *See* FAA–2021–0067–0002.

this Paperwork Reduction Act proceeding. Rather, as the FAA has previously stated, implementing such a change would require rulemaking at DCA and a substantive change to the Orders Limiting Operations, in effect at JFK and LGA.[4]

Respondents: 119 unique carriers; unknown number of operators conducting unscheduled operations at LGA and DCA.

Frequency: Information is collected as needed; some reporting on bimonthly or semiannual basis.

Estimated Average Burden per Response: 6 minutes per slot transaction per respondent (*i.e.* transferor and transferee); 6 minutes per slot return; 6 minutes per schedule update; 6 minutes per request for inclusion in a lottery; 2 minutes per unscheduled slot request; 1.5 hours per schedule submission; and 1 hour per slot usage report.

Estimated Total Annual Burden: 5,602.6 hours.

Issued in Washington, DC on August 26, 2021.

Matthew S. Gonabe,

Program Specialist, FAA Slot Administration.

[FR Doc. 2021–18768 Filed 8–26–21; 4:15 pm]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on Proposed Highway in California

AGENCY: Federal Highway Administration (FHWA), Department of Transportation (DOT).

ACTION: Notice of Limitation on Claims for Judicial Review of Actions by the California Department of Transportation (Caltrans).

SUMMARY: The FHWA, on behalf of Caltrans, is issuing this notice to announce actions taken by Caltrans that are final. The actions relate to the proposed Road Safety Enhancement Project to enhance roadway safety and reduce collisions to rock barriers on State Route 33 (SR 33) from post-mile (PM) 18.88 to PM 19.04, in Ventura County, State of California. Those actions grant licenses, permits, and approvals for the project.

DATES: By this notice, the FHWA, on behalf of Caltrans, is advising the public of final agency actions subject to 23 U.S.C. 139(l)(1). A claim seeking judicial review of the Federal Agency Actions on the highway project will be barred unless the claim is filed on or before January 27, 2022. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then that shorter time period still applies.

FOR FURTHER INFORMATION CONTACT: For Caltrans, contact Susan Tse Koo, Senior Environmental Planner at (213) 269–1106 or email at *Susan.Tse@dot.ca.gov.* For FHWA, contact David Tedrick at (916) 498–5024 or email *David.Tedrick@dot.gov.*

SUPPLEMENTARY INFORMATION: Effective July 1, 2007, FHWA assigned, and Caltrans assumed, environmental responsibilities for this project pursuant to 23 U.S.C. 327. Notice is hereby given that Caltrans and has taken final agency actions subject to 23 U.S.C. 139(l)(1) by issuing licenses, permits, and approvals for the following highway project in the State of California: Caltrans proposes the Road Safety Enhancement Project to enhance roadway safety and reduce collisions to rock barriers by widening the roadway by four feet nine inches on the southbound direction of the SR 33 from PM 18.88 to PM 19.04 in Ventura County through a continuous cantilever slab. The height of the retaining rock block wall will be reduced on the north end, and the existing metal beam guardrail will be removed to accommodate an overhang. The overhang is expected to extend less than three feet out of the roadway. This will result in an additional six inches of lane width for each lane (northbound and southbound) as well as a two-foot shoulder to widen the turning radius. The existing rock block barrier will be replaced by a new cast-in-place textured stamped concrete barrier plus construction of a two-foot wide and six-inch deep shallow concrete-lined drainage ditch along the northbound shoulder to funnel spring water runoff into North Fork Matilija Creek. In addition, the project also includes updated advanced curve warning signs and a high friction surface treatment (HFST) that will be applied to a perennially wet section of the travelled roadway. The purpose of the proposed project is to enhance roadway safety and, reduce severity of collisions and collisions to the rock barrier.

The actions by the Federal agencies, and the laws under which such actions were taken, are described in the Initial Study (IS) with Mitigated Negative Declaration (MND)/Environmental Assessment (EA) with Finding of No Significant Impact (FONSI) approved on May 12, 2021, and in other documents in the FHWA project records. The MND/FONSI can be viewed and downloaded from CEQAnet at *https://ceqanet.opr.ca.gov/2020100364/3.*

This notice applies to all Federal agency decisions as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

(1) National Environmental Policy Act (NEPA) of 1969;

(2) Federal Aid Highway Act of 1970;

(3) U.S. EPA Section 404(b)(1) Guidelines (40 Code of Federal Regulations [CFR] 230);

(4) Clean Air Act Amendments of 1990 (CAAA);

(5) Clean Water Act of 1977 and 1987;

(6) California Environmental Quality Act;

(7) Sections 1600–1603 of the California Fish and Game Code;

(8) Sections 4150 and 4152 of the California Fish and Game Code;

(9) Safe Drinking Water Act of 1944, as amended;

(10) Migratory Bird Treaty Act;

(11) Fish and Wildlife Coordination Act of 1934, as amended;

(12) National Marine Fisheries Services;

(13) Title VI of the Civil Rights Act of 1964, as amended;

(14) Occupational Safety and Health Act (OSHA);

(15) Atomic Energy Act;

(16) Toxic Substances Control Act (TSCA);

(17) Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA);

(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.

Rodney Whitfield,

Director, Financial Services, Federal Highway Administration, California Division.

[FR Doc. 2021–18550 Filed 8–27–21; 8:45 am]

BILLING CODE 4910–RY–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Notice of Intent To Prepare an Environmental Impact Statement for the Buffalo-Amherst-Tonawanda Corridor Transit Expansion, Erie County, New York

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

ACTION: Notice of intent to prepare an Environmental Impact Statement.

[4] *See* FAA's January 29, 2018 Response to Delta Air Lines Request for Transfer Process Change, a copy has been included in the docket for this proceeding.

SUMMARY: The Federal Transit Administration, as lead Federal agency, and the Niagara Frontier Transit Metro System, Inc. (Metro), as local project sponsor and joint lead agency intend to prepare an Environmental Impact Statement (EIS) to evaluate potential benefits and impacts of the NFTA proposed Buffalo-Amherst-Tonawanda Corridor Transit Expansion project (the Proposed Project). The Proposed Project to be evaluated in the EIS would expand high quality transit service in Buffalo, New York to Tonawanda and Amherst, New York. FTA, in coordination with Metro will prepare the EIS in accordance with the National Environmental Policy Act (NEPA), the Fixing America's Surface Transportation Act (FAST Act), and the New York State Environmental Quality Review Act, Article 8 of the Environmental Conservation Law and its implementing regulations (SEQR). This Notice of Intent (NOI) initiates public scoping for the EIS, and provides information on the Proposed Project, the Project's purpose and need and the alternatives being considered for evaluation in the EIS. This NOI invites public comments on environmental impacts that may be associated with the Proposed Project and alternatives. Interested members of the public, tribes, and agencies are invited to submit comments on the proposed scope of the EIS, Metro's purpose and need, the identification of alternatives to be considered, the environmental benefits and impacts to be evaluated, and any other project-related issues or analysis. In consideration of the Federal Government's COVID–19 Emergency Declaration dated March 13, 2020, FTA has determined that virtual public meetings and hearings are a permissible and useful tool to provide for public involvement in the NEPA process.

DATES: The 45-day public scoping period will begin on the date of publication of this Notice and continue through October 14, 2021. Written comments may be submitted in hard copy via mail, electronically via email, and through the project website to the addresses listed in **ADDRESSES** below. Although the public can send comments through the mail, due to the COVID–19 national emergency, we recommend using the other communication methods to provide any scoping comments.

Metro will conduct one scoping meeting for this project to provide an opportunity for public comment. A livestreamed virtual public scoping meeting will be held on September 15, 2021, 6:30 p.m. to 8:00 p.m. Registration information and instructions for participating in the livestream virtual scoping meeting are available at *http://www.nftametrotransitexpansion.com* along with the scoping information report. Individuals who require special assistance, such as translation, captioning, or signing services, to participate in the scoping meetings should make the request by calling (716) 855–7382 or emailing *planing@nfta.com* by September 7, 2021.

To ensure consideration during the development of the EIS, written comments on the scope of the EIS must be submitted by 4:00 p.m. on October 14, 2021.

ADDRESSES: Please send written comments to: Expansion Project, c/o Service Planning, Niagara Frontier Transportation Authority, 181 Ellicott Street, Buffalo, NY 14203, by email to *planning@nfta.com* or through the project website: *http://www.nftametrotransitexpansion.com.* Information about the Proposed Project, scoping, and the EIS will be available on the project's website.

FOR FURTHER INFORMATION CONTACT: Donald Burns, FTA Director of Planning and Program Development, Email: *Donald.Burns@dot.gov;* Telephone: (212) 668–2203.

SUPPLEMENTARY INFORMATION:

Proposed Project. Metro is proposing to expand high quality transit in the Buffalo-Amherst-Tonawanda Corridor. The build alternatives being considered include a light rail transit (LRT) extension and a bus rapid transit (BRT) system. Both alternatives would essentially follow the same alignment and would be primarily at-grade. Ten stations, two with park & ride facilities and an overnight storage and light maintenance facility are proposed for both alternatives. Metro intends to seek financial support for the project from the United States Department of Transportation, including FTA funding. The Project is included in the Greater Buffalo and Niagara Regional Transportation Council's (GBNRTC) 2050 long-range plan as regionally significant.

Purpose of and Need for the Proposed Project. The Proposed Project's primary purpose is to provide a fast, reliable, safe, and convenient transit ride and link established and emerging activity centers along the existing Metro Rail line in Buffalo with existing and emerging activity centers in Amherst and Tonawanda. The Project would serve existing Metro riders, attract new transit patrons, improve regional connections between Buffalo, Amherst, and Tonawanda, and support redevelopment and other economic development opportunities. Additionally, the Proposed Project would improve livability by increasing mobility and accessibility in communities throughout the region. The need for enhanced, equitable and sustainable transit service has three main components: (1) To serve existing and future travel demand generated by recent, pending, and future regional development; (2) to provide high-quality regional transit service; and (3) to better serve transit-dependent population segments.

Scoping. The NEPA scoping process has specific objectives, one of which is to identify the build alternatives' significant issues that will be examined in detail in the EIS. Previously, consistent with NEPA and in accordance with FTA guidance, in 2017, Metro conducted an Amherst–Buffalo Alternatives Analysis (AA) to identify a Locally Preferred Alternative (LPA), a light rail extension in 2017. Subsequently, Metro, as lead agency, completed an environmental review process on the LPA in accordance with the SEQR in 2020. A scoping process designed to meet NEPA requirements was conducted in 2018 and a SEQR Draft EIS (SEQR DEIS) was released in January 2020. Metro conducted two public hearings in February 2020 to provide an opportunity for the public and local agencies to provide comments and input to the SEQR DEIS. The findings of the SEQR DEIS, the written and oral comments received during the SEQR public hearings and comments received during the SEQR DEIS 60-day public comment period will inform the development of the NEPA DEIS and be considered by FTA during the NEPA scoping process. For this phase of the Proposed Project, the NEPA Scoping Information Packet released with the NOI can be found on the project website.

Screening of Potential Alternatives. As described in the previous section, potential alternatives were developed and evaluated through a local planning process including the GBNRTC's metropolitan long-range transportation plan, the AA, and previously published SEQR DEIS. The AA involved a three-tiered screening and evaluation methodology that started with 36 alignment and mode alternatives. The modes considered were LRT, BRT, preferential bus and enhanced bus. The LPA was adopted by Metro's Board of Commissioners and the GBNRTC based on the technical analysis results and feedback from stakeholders and the public. The LPA and further refined during the development of the SEQR DEIS.

The NEPA documentation will consider the alternatives and evaluations conducted to date, and the public outreach efforts conducted under SEQR, including a scoping period/meeting and a 60-day comment period for the SEQR DEIS. During the comment period for the SEQR DEIS, FTA requested lead agency participation in a NEPA environmental review, and that Metro consider a BRT system along the Buffalo-Amherst-Tonawanda Corridor as a reasonable alternative.

The results of the alternatives planning and SEQR DEIS, as well as other background information, are summarized in the Buffalo-Amherst-Tonawanda Corridor Transit Expansion Scoping Information Report, which is available at NFTA's office located at 181 Ellicott Street, Buffalo, NY 14203 and on the project website: *http://www.nftametrotransitexpansion.com.*

Proposed Alternatives. Two build alternatives, an LRT extension and a BRT system have been identified for the Proposed Project, as well as a no-build alternative, as required under NEPA. The no-build alternative serves as a baseline against which to assess the impacts of the proposed build alternatives. Proposed LRT build alternative is an approximately 7-mile extension of Metro's existing light rail transit (Metro Rail) and was developed incorporating public and stakeholder comments from Metro's planning process and SEQR DEIS scoping process. The LRT extension would be primarily at-grade, except for a 0.8-mile underground segment from the existing Metro Rail University Station to Niagara Falls Boulevard and at the intersection of Maple Road and Sweet Home Road. Ten stations are proposed, two with park & ride facilities, and an overnight storage and light maintenance facility located near the end of the line. The trackway would be configured with two tracks—one for northbound service and one for southbound service. The project would generally be within existing roadway right-of-way. The proposed BRT build alternative would provide transit service north from the existing Metro Rail University Station for approximately 7 miles along the same at-grade alignment as the LRT build alternative with the same number of stations in the same locations, however, a transfer would be required between the existing Metro Rail operations at University Station to the BRT service. A new BRT vehicle storage and maintenance facility would also be required. More details of the proposed build alternatives can be found in the Scoping Information Report and on the project's website.

EIS Process and Role of Participating Agencies and the Public. FTA and Metro are proposing a Study Area for the EIS to include an area approximately ¼ mile from the proposed transit expansion alignment and ½ mile around proposed stations. This is the area where potential primary direct or indirect impacts may be experienced.

Consistent with NEPA, FTA and Metro will evaluate, with input from the public, and other Federal, State, and local agencies, the potential for impacts of the proposed alternatives on the natural, built, and social environments from both construction and operation. The EIS will evaluate the potential for impacts in at least the following areas: Land use, zoning and public policy, community facilities, open space, socioeconomic conditions, environmental justice, air quality (including consideration of greenhouse gas emissions and climate change), historic properties and cultural resources, visual resources, transportation, noise and vibration, natural resources, water quality, utilities, energy, contaminated materials, construction and safety and security. Measures to avoid, minimize and mitigate any significant adverse impacts will be identified.

An Agency Coordination Plan (Plan) will be developed within 90 days of this NOI's publication date to guide a comprehensive public outreach program, and once available, it will be published on the project's website and the Federal Permitting Dashboard at *http://www.permits.performance.gov/.* The Plan will outline outreach to local and county officials and community and civic groups; a public scoping process to define the issues of concern among all parties interested in the Proposed Project; establishment of a Technical Advisory Committee and periodic meetings with that committee; a public hearing on the release of the NEPA Draft EIS; and relevant updates to the project website. Cooperating and Participating agencies may include the United States Environmental Protection Agency, the Advisory Council on Historic Preservation, the United States Department of the Interior, the United States Fishing and Wildlife Services, the Federal Highway Administration, and the New York State Department of Transportation along with other agencies.

FTA invites comments on the Metro's statement of purpose and need for the Proposed Project, as well as the alternatives proposed for consideration. Suggestions for modifications to the statement of purpose and need, and any other reasonable alternatives that meet the purpose and need for the project, are welcome and will be given serious consideration. Comments on significant environmental impacts that may be associated with the Proposed Project and alternatives are also welcome, as are the identification of information and analyses relevant to the proposed Project.

FTA Procedures. Public comments will be received through those methods explained earlier in this Notice and will be incorporated into the final NEPA Scoping Information Packet. This document will detail the scope of the EIS and the potential environmental effects that will be considered during the NEPA process. After the completion of the Draft EIS, a public and agency review period, including a public hearing, will allow for input on the Draft EIS. These public comments, as well as any public comments received during the scoping process, along with responses to them, will be incorporated into the Draft EIS for the Proposed Project.

Anticipated Permits and Approvals. The NEPA Scoping process and agency coordination will identify any permits and approvals required from Federal, State, and local agencies. Federal agency consultations required by the Clean Air Act, the Endangered Species Act, and the National Historic Preservation Act will be undertaken.

Anticipated Schedule for Decision-Making Process. FTA and Metro anticipate the following environmental review schedule, which is subject to change:

- *Scoping Process:* September–October 2021.
- *Official Notice of Availability of the Draft EIS published in the* ***Federal Register:*** Summer 2022.
- *Public Hearings on the Draft EIS:* Fall 2022.
- ***Federal Register*** *Notice of Availability of a Final EIS/Record of Decision (ROD):* Winter 2023.

Combined Final EIS and ROD. In accordance with 23 U.S.C. 139, FTA may consider combining the Final EIS and ROD. If FTA combines the Final EIS and ROD, it is anticipated that those documents will serve as the basis for Federal and State environmental findings and determinations needed to conclude the environmental review process, unless statutory criteria preclude issuance of a combined document (*i.e.,* the Final EIS makes substantial changes to the proposed action that are relevant to environmental or safety concerns or there is a significant new circumstance or information relevant to

environmental concerns that affect the proposed action or its impacts).

Michael L. Culotta,

Deputy Regional Administrator, Federal Transit Administration—Region II.

[FR Doc. 2021–18657 Filed 8–27–21; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2021–0063]

Polaris Industries Inc. and Goupil Industrie SA; Receipt of Petition for Temporary Exemption

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Notice of receipt of petition for temporary exemption; request for comment.

SUMMARY: In accordance with statutory and regulatory requirements, Polaris Industries Inc. and Goupil Industrie SA (collectively, ''petitioners''), have petitioned NHTSA for an exemption of the ''Picnic-G6,'' an all-electric truck that the petitioners state will be used as part of a grocery delivery service. The petitioners seek exemption from nine Federal motor vehicle safety standards (FMVSS) on the basis that an exemption would make the development or field evaluation of a low-emission vehicle easier and would not unreasonably lower the safety or impact protection level of that vehicle. NHTSA is publishing this document in accordance with statutory and administrative provisions, and requests comments on the petition. NHTSA has made no judgment at this time on the merits of the petition.

DATES: Comments on this petition must be submitted by October 29, 2021.

FOR FURTHER INFORMATION CONTACT: Daniel Koblenz, NHTSA Office of Chief Counsel, telephone: 202–366–5823, facsimile: 202–366–3820, address: National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590.

ADDRESSES: You may submit your comment, identified by the docket number in the heading of this document, by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility, M–30, U.S. Department of Transportation, West Building, Ground Floor, Rm. W12–140, 1200 New Jersey Avenue, SE, Washington, DC 20590.
- *Hand Delivery or Courier:* West Building, Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE, between 9 a.m. and 5 p.m. Eastern Time, Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call 202–366–9322 before coming.
- *Fax:* 202–493–2251.

Instructions: For detailed instructions on submitting comments and additional information on the rulemaking process, see the Public Participation heading of the Supplementary Information section of this document. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its decision-making process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.transportation.gov/privacy.* In order to facilitate comment tracking and response, the agency encourages commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered.

Docket: For access to the docket to read background documents or comments received, go to *www.regulations.gov* at any time, or to 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, 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 202–366–9826 before coming.

SUPPLEMENTARY INFORMATION:

I. Statutory and Regulatory Requirements

The National Traffic and Motor Vehicle Safety Act (Safety Act), codified at 49 U.S.C. 30113, authorizes the Secretary of Transportation (NHTSA by delegation), to exempt motor vehicles from an FMVSS or bumper standard on a temporary basis, under specified circumstances and on terms the agency deems appropriate. The Secretary has delegated the authority for implementing this section to NHTSA.[1]

The Safety Act authorizes NHTSA (by delegation) to grant, in whole or in part, a temporary exemption to a vehicle manufacturer if certain specified findings are made. The agency must find that the exemption is consistent with the public interest and with the objectives of the Safety Act.[2] In addition, exemptions under § 30113 must meet one of the following bases:

(i) Compliance with the standard[s] [from which exemption is sought] would cause substantial economic hardship to a manufacturer that has tried to comply with the standard[s] in good faith;

(ii) the exemption would make easier the development or field evaluation of a new motor vehicle safety feature providing a safety level at least equal to the safety level of the standard;

(iii) the exemption would make the development or field evaluation of a low-emission motor vehicle easier and would not unreasonably lower the safety level of that vehicle; or

(iv) compliance with the standard would prevent the manufacturer from selling a motor vehicle with an overall safety level at least equal to the overall safety level of nonexempt vehicles.[3]

The petitioners have submitted a petition under the third of these bases. The petitioners request that NHTSA grant their petition based on a finding that the exemption is consistent with the public interest and the Safety Act, and that the exemption would facilitate the development or field evaluation of a low-emission motor vehicle and would not unreasonably reduce the safety level of that vehicle.[4] Under the Safety Act, entities applying for exemptions under this subsection must include, among other things, ''a record of the research, development, and testing establishing that the motor vehicle is a low-emission motor vehicle and that the safety level of the vehicle is not lowered unreasonably by exemption from the standard.''

NHTSA established 49 CFR part 555, ''Temporary Exemption from Motor Vehicle Safety and Bumper Standards,'' to implement the statutory provisions concerning § 30113 temporary exemptions. The requirements in 49 CFR 555.5 state that the petitioner must set forth the basis of the petition by providing the information required under 49 CFR 555.6, and the reasons why the exemption would be in the public interest and consistent with the objectives of the Safety Act.

[1] 49 CFR 1.95.

[2] 49 U.S.C. 30113(b)(3)(A).

[3] 49 U.S.C. 30113(b)(3)(B).

[4] 49 U.S.C. 30113(b)(3)(B)(iii).

A petition submitted on the low-emission vehicle (LEV) exemption basis must include the following information specified in 49 CFR 555.6(c):

(1) Substantiation that the vehicle is a low-emission vehicle;

(2) Research, development, and testing documentation establishing that a temporary exemption would not unreasonably degrade the safety or impact protection of the vehicle;

(i) A detailed description of how the motor vehicle equipped with the low-emission engine would, if exempted, differ from one that complies with the standard;

(ii) If the petitioner is presently manufacturing a vehicle conforming to the standard, the results of tests conducted to substantiate certification to the standard;

(iii) The results of any tests conducted on the vehicle that demonstrate its failure to meet the standard, expressed as comparative performance levels; and

(iv) Reasons why the failure to meet the standard does not unreasonably degrade the safety or impact protection of the vehicle.

(3) Substantiation that a temporary exemption would facilitate the development or field evaluation of the vehicle; and

(4) A statement of whether the petitioner intends to conform to the standard at the end of the exemption period; and

(5) A statement that not more than 2,500 exempted vehicles will be sold in the U.S. in any 12-month period for which an exemption may be granted.

II. Summary of Petition

On September 16, 2020, in accordance with NHTSA's statutes and regulations, petitioners Polaris Industries Inc. and Goupil Industrie SA petitioned NHTSA for a temporary exemption from the requirements of ten FMVSS on the basis that an exemption would make the development or field evaluation of a low-emission motor vehicle easier and would not unreasonably lower the safety level of that vehicle. On December 2, 2020, the petitioners submitted a supplemental petition that revised their original petition by withdrawing their request for an exemption from FMVSS No. 203 (reducing the total number of standards in the exemption request to nine), and by revising their analysis concerning their request from an exemption from FMVSS No. 226. Public versions of the petitioners' submissions can be found on regulations.gov in the docket stated in the header of this notice.

a. Description of the Picnic-G6

The petitioners have requested an exemption to produce up to 100 specialized vehicles, which they intend to sell to Picnic, a grocery delivery company, which will use them to operate a grocery delivery service. The petitioners refer to the potentially exempted vehicles as ''Picnic-G6'' vehicles. According to the petitioners, the Picnic-G6 is a modified version of the ''G6,'' an electric utility truck that they produce for the European market.[5] Based on the information the petitioners provided, it appears that the G6 is a light truck with a GVWR of 2,600 kilograms (approximately 5,732 pounds).[6] According to the petitioners, a standard G6 vehicle has a maximum speed of 80 km/h (49.7 mph), and ''provides multiple other safety elements, including an acoustic alerting system to alert pedestrians to its presence, automatic headlamp and wiper activation, a robust steel chassis design, advanced crumple zone, and front-wheel drive.'' [7]

The petitioners state that, unlike the a standard G6, the Picnic-G6 would be modified to have a maximum speed of 50 km/h (31 mph). In addition, all but 10 of the Picnic-G6 vehicles would have a single designated seating position, for the driver. The petitioners state that the 10 Picnic-G6 that also have a front passenger seat would be used to train drivers. None of the vehicles would have more than two seating positions. The petitioners state that the Picnic-G6 would have a range of about 90 miles. According to the petitioners, the vehicles will be modified to include a ''specialized grocery carrying box'' on the vehicle's chassis after being sold to Picnic for use in its grocery delivery pilot.

In terms of how the vehicles will be operated, the petitioners state repeatedly throughout the petition that Picnic would operate the Picnic-G6 vehicles on lower-speed streets in dense urban and suburban areas. The petitioners also state that the vehicles would travel at low speeds due to the need to make frequent delivery stops. The petitioners state that Picnic will train its employees to operate the Picnic-G6 vehicles, and that the company will forbid private use of the vehicles and require that all occupants be age 16 or older. The petitioners also state that these restrictions will be stated in warning labels placed on the vehicles.

A more detailed explanation of the Picnic grocery delivery service, as well as illustrations of what the Picnic-G6 may look like, can be found in the petition.

b. Petitioners' Explanation for Why the Picnic-G6 Would Be a Low-Emission Vehicle

To be eligible for an exemption under the LEV basis, the Picnic-G6 must be considered an LEV under section 202 of the Clean Air Act (42 U.S.C. 7521) at the time the vehicle is manufactured, and must emit a level of regulated air pollutants that is in an amount significantly below one of those standards.[8]

According to the petitioners, the Picnic-G6 would be an all-electric vehicle that emits zero emissions, and therefore would be eligible for an exemption under the LEV basis.

c. Petitioners' Explanation for Why Granting an Exemption Would Not Unreasonably Lower the Safety of the Picnic-G6

FMVSS No. 101, Controls and Displays & FMVSS No. 135, Light Vehicle Brake Systems

To ensure that the driver is informed of brake system malfunctions, FMVSS No. 101 and FMVSS No. 135 require that all light vehicles are required to have a telltale that informs the driver of various different types of issues with the vehicle's braking system.

According to the petitioners, rather than displaying the word ''Brake'' to indicate brake system malfunctions, low brake fluid conditions, and the application of the parking brake, as required under S5.5.5 of FMVSS No. 135, the Picnic-G6 will display the ISO brake symbol.[9] The petitioners argue that this will not unreasonably lower safety because the Picnic-G6 will only be operated by trained Picnic employees who will understand the meaning of the ISO brake symbol. The petitioners further argue that NHTSA has, in the past, found that, in some instances, noncompliance with the brake system

[5] The petitioners have provided the G6's type approval certificate as Exhibit 1.

[6] The full specifications of a baseline G6 can be found in Exhibit 2.

[7] We note that the petitioners do not specify whether the acoustic alert system complies with FMVSS No. 141, *Minimum Sound Requirements for Hybrid and Electric Vehicles.* FMVSS No. 141's requirements are more stringent than its European counterpart, UNECE Regulation 138, *Uniform Provisions Concerning the Approval of Quiet Road Transport Vehicles with Regard to their Reduced Audibility.*

[8] 49 U.S.C. 30113(a).

[9] It is not clear from the petition which ISO brake symbol would be used, or if the indicators would be combined. The various ISO brake symbols can be found through a search of ISO's Online Browsing Platform, *https://www.iso.org/obp/ui#home.* In addition, Exhibit 5 to the petition includes excerpts from the vehicle manual detailing the symbol.

telltale requirement is not consequential to safety due to driver familiarity with the ISO brake symbol.

FMVSS No. 118, Power-Operated Window, Partition, and Roof Panel Systems

The purpose of FMVSS No. 118 is to reduce the likelihood of death or injury due to accidental operation of a vehicle's power-operated window, partition, and roof paneled systems. NHTSA established the standard primarily to address the particular safety concern of child strangulation due to accidental operation of powered windows. The petitioners have requested an exemption from S6(c) of the standard, which specifies that the actuation device for closing a power-operated window must operate by pulling away from the surface on which it is mounted.

The petitioners provide several reasons that an exemption from FMVSS No. 118 would not unreasonably lower the safety of the Picnic-G6. First, the petitioners explain that Picnic intends to prohibit children below the age of 16 from riding in the Picnic-G6. The petitioners also argue that most of the exempted vehicles would be used for Picnic's delivery service, and so would be unlikely to be occupied be people other than Picnic employees. The petitioners also state that the power window controls are located on the center console, away from the windows, which makes accidental activation of the controls unlikely. Finally, the petitioners note that only 10 of the Picnic-G6 vehicles would have a front passenger seat, and those are used for training purposes, so it is unlikely that an adult or child would be present to accidentally activate the power window controls.

FMVSS No. 126, Electronic Stability Control Systems

To reduce the risk of deaths due to rollover crashes, FMVSS No. 126 requires that all vehicles with a gross vehicle weight rating of 4,536 kilograms (kg) (10,000 pounds) or less be equipped with an electronic stability control (ESC) system. ESC systems use automatic computer-controlled braking of individual wheels to address critical situations in which a driver may lose control of the vehicle. Preventing single-vehicle loss-of-control crashes is the most effective way to reduce deaths resulting from rollover crashes because most loss-of-control crashes culminate in the vehicle leaving the roadway, which dramatically increases the probability of a rollover. NHTSA's crash data study of existing vehicles equipped with ESC demonstrated that these systems reduce fatal single-vehicle crashes of passenger cars by 55 percent and fatal single-vehicle crashes of light trucks and vans (LTVs) by 50 percent.[10] NHTSA estimates that ESC has the potential to prevent 56 percent of the fatal passenger car rollovers and 74 percent of the fatal LTV first-event rollovers that would otherwise occur in single-vehicle crashes.

The petitioners have requested an exemption from FMVSS No. 126 in its entirety. According to the petitioners, an exemption would not unreasonably lower the safety of the Picnic-G6 because the vehicle has similar handling and stability as comparable vehicles equipped with ESC, and there are mitigating factors that reduce the likelihood that the Picnic-G6 would be involved in a loss-of-control crash.

To demonstrate that the Picnic-G6 would have similar handling and stability to a comparable vehicle that is equipped with ESC, the petitioners have provided a dynamic test report (Exhibit 6 to the petition) comparing the performance of the Picnic-G6, which is not equipped with anti-lock brakes or ESC, with a Nissan e-NV200, which the petitioners state is a comparable vehicle that is equipped with these features. The petitioners state that the report found that there were small differences in performance between the two vehicles that could be explained by the absence of anti-lock brake and ESC systems on the Picnic-G6. However, the petitioners state that ''both vehicles had 'same behavior with understeer chassis balance, non-surprising behavior during weight transfer maneuvers and [were] easy to control at the limit.' '' In addition, the petitioners provided a static stability test report (Exhibit 7) that the petitioners claim shows that the Picnic-G6 has a static stability that is comparable to pickup trucks and passenger vans. (NHTSA notes that the petitioners have requested that the entirety of both of these reports be withheld from public view because they contain confidential business information.)

The petitioners also state that the Picnic-G6's limited speed and range reduce the risk of loss-of-control events, which, petitioners argue, were relevant factors to NHTSA in the past in making the findings needed to grant an exemption from FMVSS No. 126 under the LEV basis. The petitioners also argue that, unlike other light trucks and delivery vehicles, the Picnic-G6 would not be operated at high speeds or over moderate and long distance, so the risk of a loss-of-control crash would be relatively lower, and should such a crash occur, the risk of injury would also be lower. Finally, the petitioners state that drivers would be trained to operate the exempted vehicle without ESC.

FMVSS No. 208, Occupant Crash Protection

To reduce the number of fatalities due to crashes, FMVSS No. 208 sets minimum performance requirements relating to protection of occupants inside the vehicle, which includes the requirements that most vehicles be equipped with seat belts and advanced air bags. Per FMVSS No. 208, passenger cars and light trucks are required to provide protection using air bags for both belted and unbelted front outboard seated occupants of all sizes, including protections for out-of-position children in the front outboard passenger seat. The petitioners request an exemption from the entire standard, because the Picnic-G6 is not equipped with air bags of any type.[11]

The petitioners provide the following rationale for their request. First, according to the petitioners, the Picnic-G6 is compliant with the United Nations Economic Commission for Europe (UNECE) regulation 12 for the protection of the driver against the steering mechanism in the event of impact, and UNECE regulation 29 for the protection of the occupants of the cab of a commercial vehicle.[12] Moreover, the petitioners state that, despite the Picnic-G6's lack of air bags, an exemption would not lower the safety risk of the vehicle for several reasons. First, they argue that the Picnic-G6 would be able to meet the S6

[10] Sivinski, R., Crash Prevention Effectiveness of Light-Vehicle Electronic Stability Control: An Update of the 2007 NHTSA Evaluation; DOT HS 811 486 (June 2011).

[11] We note that the petitioners have requested an exemption from the entire standard, not just the requirement that the vehicle be equipped with air bags. However, it appears from the petition that the Picnic-G6 would be equipped with some occupant protection features, including seat belts. The petitioner has not sought exemptions from FMVSS No. 209, *Seat belt assemblies,* or FMVSS No. 210, *Seat belt assembly anchorages.*

[12] UNECE standards established under the 1958 UN ECE Agreement Concerning the Adoption of Uniform Conditions of Approval and Reciprocal Recognition of Approval for Motor Vehicle Equipment and Parts (the ''1958 Agreement'') are type approval standards. The 1958 Agreement is an international agreement that provides procedures for establishing uniform regulations regarding new motor vehicles and motor vehicle equipment and for reciprocal acceptance of type-approvals issued under these regulations by contracting countries. While the United States is a member of the UN ECE, it is not a contracting party to the 1958 Agreement, and thus is not bound by standards established under the 1958 Agreement.

injury criteria requirements (aside from chest compression) for the Hybrid III (50th percentile male) test dummy. The petitioners have provided simulation data to support this claim as Exhibit 8.

The petitioners also argue that the absence of air bags would have ''little impact'' on the level of safety of the Picnic-G6 because of the vehicle's use profile. Specifically, the petitioners argue that the Picnic-G6's maximum speed of 31 mph, its limited ~90-mile range, and its likely use on exclusively urban and ''dense-suburban'' local roads, mean that the Picnic-G6 has a low probability of being involved in a crash, and that any crashes that do occur will be lower speed and thus have a reduced risk of injury. The petitioners also argue that the low number of vehicles they intend to produce pursuant to this exemption will limit risk, and support a finding that safety would not be unreasonably lowered.

In addition, the petitioners argue that an exemption for the Picnic-G6 would be consistent with the standard's carve-outs for ''walk-in'' vans and U.S. Postal Service vans that are equipped with type-2 (lap and shoulder) seat belt assemblies. The petitioners argue that the reasoning behind these carve-outs is that these vehicles are at a low risk of being involved in a serious crash because they are used to make deliveries in urban and suburban areas where the driver makes frequent stops. Moreover, the petitioners note that NHTSA declined to require air bags for U.S. Postal Service vehicles because the agency believed that they would provide a marginal safety benefit to postal workers given their use profile and the fact that the U.S. Postal Service requires employees to wear seat belts while working. The petitioners state that, like the U.S. Postal Service, Picnic intends to require all Picnic-G6 occupants to wear seat belts.

Finally, the petitioners argue that the lack of occupant protection requirements that are intended to protect children would not reduce safety because all but 10 of the exempted Picnic-G6 vehicles would not have a passenger seat. Moreover, for the 10 training vehicles that do have passenger seats, the petitioners state that Picnic would prohibit passengers under the age of 16, would forbid private use of the exempted vehicles, and would place warning stickers to inform occupants of these restrictions.

FMVSS No. 214, Side Impact Protection

To reduce the risk of injuries to vehicle occupants in side impact crashes, FMVSS No. 214 sets out requirements for door crush resistance and side-impact crash performance, including a moving deformable barrier and vehicle-to-pole crash tests. The petitioners seek an exemption from this standard in its entirety.

According to the petitioners, an exemption would not unreasonably lower the safety of the Picnic-G6 because, while the vehicle would not be certified to FMVSS No. 214, simulated testing shows it would meet door crush and moving deformable barrier tests, and the vehicle would meet the vehicle-to-pole test requirements using the 50th percentile male dummy for all injury criteria except head injury and lower-rib deflection (the petitioners specify that lower-rib deflection is 0.3 mm outside the standard's limit).[13] In addition, the petitioners claim the Picnic-G6 would comply with the UNECE regulation 135 with regard to their Pole Side Impact performance.

The petitioners also argue that the Picnic-G6 is similar to ''walk-in'' vans, which are excluded from the standard.[14] The petitioners argue that the non-training Picnic-G6 vehicles would only have a driver's seat, and while they would not have room for a person to enter the cargo area of the vehicle, the ''use profile'' of the Picnic-G6 would be similar to that of walk-in vans. That is, petitioners state, both vehicle types are designed to make deliveries in urban and suburban areas where the driver makes frequent stops and operates the vehicle at low speeds that reduce crash risk.[15]

Finally, the petitioners argue that the low volume of vehicles permitted under the exemption will limit safety risk, and point out that NHTSA has cited this as a consideration in prior exemption grants.

FMVSS No. 225, Child Restraint Anchorage Systems

FMVSS No. 225 requires, and specifies standards for, child restraint anchorage systems to reduce the risk of anchorage system failure, increase the likelihood that child restraints are properly secured, and more fully achieve the potential effectiveness of child restraint systems in motor vehicles. This standard requires the front outboard passenger seat in a vehicle that has no rear seats to have a tether anchorage, and requires a full child restraint anchorage system in the front outboard seating position in a vehicle that has no air bag at that position due to a grant of a part 555 exemption.[16] The petitioners have requested an exemption from the entire standard for the 10 training vehicles.

The petitioners argue that an exemption would not unreasonably lower the safety of the training Picnic-G6 vehicles because Picnic would implement a company policy that would forbid the use of the vehicle with passengers under age 16, forbid private use of the vehicle, and place stickers in the vehicle warning of these restrictions. The petitioners further argue that the use of the Picnic-G6 as a delivery makes it unlikely that children will ride in it, and that an exemption would be consistent with the FMVSS No. 226's carve-out for funeral coaches. Finally, the petitioners argue the small number of training Picnic-G6 vehicle makes it unlikely that children would be passengers.

FMVSS No. 226, Ejection Mitigation

FMVSS No. 226 relates to ejection mitigation in the event of a rollover. The purpose of this standard is to reduce the likelihood of ejections of vehicle occupants through side windows during rollovers or side impact crashes. The petitioners seek an exemption from this standard in its entirety.

The petitioners make three arguments for why an exemption from FMVSS No. 226 would not unreasonably lower the safety of the Picnic-G6. First, they argue that the Picnic-G6 would be able to meet the displacement requirements under S4.2.1 of the standard using laminated-glazing side windows as the sole means of achieving displacement performance.[17] [18] The petitioners argue that the glazing will mitigate the risk of

[13] A report of the results of this simulation testing was attached as Exhibit 9.

[14] Standard No. 214 defines a ''walk-in van'' as ''a special cargo/mail delivery vehicle that has only one designated seating position. That designated seating position must be forward facing and for use only by the driver. The vehicle usually has a thin and light sliding (or folding) side door for easy operation and a high roof clearance that a person of medium stature can enter the passenger compartment area in an up-right position.''

[15] NHTSA notes that, in the final rule adopting FMVSS No. 214, the agency stated that it excluded walk-in vans from the standard not because walk-in vans would be used for deliveries, but because ''it is impracticable for such vehicles to meet the side door strength requirements because of their special design features.'' 56 FR 27427, 27431.

[16] See FMVSS No. 225, S5(c)(1)(i) & (iii).

[17] Note that FMVSS No. 226 prohibits the use of ''movable glazing'' as the sole means of meeting the displacement requirements. S4.2.1.1. That is, laminated glazing alone cannot be used to meet FMVSS No. 226 if the window with the glazing can be rolled down. The glazing on the petitioners' vehicles is movable, and thus the laminated glazing countermeasure is not sufficient to meet FMVSS No. 226.

[18] Per FMVSS No. 226, the vehicle must meet the requirements of S4.2.1 after the window glazing has undergone the ''pre-breaking'' procedure described in S5.4.1. It is not clear from the petition whether the Picnic-G6 would be able to meet the requirements of S4.2.1 using window glazing alone if the glazing is pre-broken.

ejection, especially when the window is in the closed position. The petitioners have provided documentation of computer-simulated testing demonstrating that the Picnic-G6 will meet the displacement requirements of FMVSS No. 226 when the windows are closed.[19]

Second, the petitioners argue that the Picnic-G6's limited speed (maximum 31 mph), its limited range (~90 miles), and the types of roads on which Picnic intends to operate it (urban and dense suburban local roads) make the risk of a crash low, and any crash that does occur would likely occur at a lower speed. Lastly, the petitioners argue that the Picnic-G6 is similar to ''walk-in'' vans, which are excluded from the standard.[20] [21] The petitioners argue the non-training versions of the vehicles would only have a driver's seat, and while they would not have room for a person to walk into the cargo area of the vehicle, the ''use profile'' of the Picnic-G6 (making deliveries in urban and dens suburban areas) would be similar to that of walk-in vans.

FMVSS No. 305, Electric-Powered Vehicles; Electrolyte Spillage and Shock Protection

FMVSS No. 305 establishes requirements to reduce deaths and injuries during and after a crash that occur because of electrolyte spillage from electric energy storage devices, intrusion of electric energy storage/conversion devices into the occupant compartment, and electric shock. The petitioners have requested an exemption from several requirements relating to shock protection.

According to the petitioners, an exemption would not unreasonably lower the safety of the Picnic-G6 because, while the vehicle is not certified to FMVSS No. 305, it does meet the analogous European regulations for electrical safety in UNECE regulation 100. A side-by-side comparison of the two standards can be found in the petition, as well as documentation relating to type approval for UNECE regulation 100.

[19] See Exhibit 14.

[20] The standard defines a walk-in van as ''special cargo/mail delivery vehicle that only has a driver designated seating position. The vehicle has a sliding (or folding) side door and a roof clearance that enables a person of medium stature to enter the passenger compartment area in an up-right position.'' FMVSS No. 226, S3.

[21] In the final rule establishing FMVSS No. 226, the agency justified excluding walk-in vans solely ''on practicability grounds.'' 76 FR 3211, 3291.

d. Petitioners' Explanation for How an Exemption Would Facilitate the Development and Field Evaluation of the Vehicle

The petitioners state that an exemption would facilitate the development and the field evaluation of the Picnic-G6 in several ways. First, the petitioners state that an exemption would enable the collection and analysis of information from real-world use to assist with the development of current or future low-emission vehicles. Second, an exemption would facilitate production of future FMVSS-compliant low-emission vehicle models while the petitioners work to achieve FMVSS compliance. Third, it would enable further evaluation of the market for low-emission vehicles by allowing the petitioners to assess the Picnic-G6's viability in the U.S. market, and the viability of the Picnic grocery delivery pilot. Fourth, the petitioners argue that an exemption would demonstrate to the public the capabilities of electric vehicles, which could further encourage consumers to acquire goods through ecommerce options that rely on infrastructure that has a low-carbon footprint and on delivery models that reduce road congestion. Finally, an exemption would provide consumers with a ''safe, all-electric option'' as the petitioners develop modifications to the Picnic-G6 to make it FMVSS-compliant, thereby accelerating the entry of a small-sized, speed-limited, all-electric utility vehicle option among a field that typically consists of larger, gasoline-powered vehicles or LSVs.

e. Petitioners' Explanation for Why an Exemption Would Be in the Public Interest

The petitioners argue that an exemption would be in the public interest because it would increase consumer choice and improve access to goods deliveries by zero-emission vehicles. The petitioners also argue that an exemption would demonstrate to the public the viability of all-electric utility vehicles through the Picnic pilot. The petitioners further state that the exemption would allow for the petitioners to evaluate both the viability of delivery models like the Picnic pilot, as well as the performance of its all-electric utility vehicles generally. In addition, the petitioners argue an exemption would allow for the collection of information that would assist with the further development of all-electric utility vehicles. The petitioners also argue that the Picnic pilot would provide employment opportunities to an estimated 600 people relating to its delivery service. Further, the petitioners state that, if the Picnic pilot is successful, the exemption could pave the way for additional jobs relating to the development of an FMVSS-compliant version of the Picnic-G6, which the petitioners expect would be manufactured at one of its U.S. factories.

III. Request for Comment

The agency seeks comment from the public on the merits of Polaris/Goupil's application for a temporary exemption. In addition, we seek comment on what restrictions, if any, the agency should place on an exemption should the agency determine an exemption is appropriate (*e.g.,* operational restrictions, limits on transfer of ownership, etc.). After considering public comments and other available information, we will publish a notice of final action on the application in the **Federal Register**.

NHTSA has made no judgment at this time on the merits of the petition.

IV. Public Participation

How long do I have to submit comments?

Please see **DATES** section at the beginning of this document.

How do I prepare and submit comments?

- Your comments must be written in English.
- To ensure that your comments are correctly filed in the Docket, please include the Docket Number shown at the beginning of this document in your comments.
- If you are submitting comments electronically as a PDF (Adobe) File, NHTSA asks that the documents be submitted using the Optical Character Recognition (OCR) process, thus allowing NHTSA to search and copy certain portions of your submissions. Comments may be submitted to the docket electronically by logging onto the Docket Management System website at *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- You may also submit two copies of your comments, including the attachments, to Docket Management at the address given above under **ADDRESSES**.

Please note that pursuant to the Data Quality Act, in order for substantive data to be relied upon and used by the agency, it must meet the information quality standards set forth in the OMB and DOT Data Quality Act guidelines. Accordingly, we encourage you to

consult the guidelines in preparing your comments. OMB's guidelines may be accessed at *http://www.whitehouse.gov/omb/fedreg/reproducible.html.* DOT's guidelines may be accessed at *http://www.bts.gov/programs/statistical_policy_and_research/data_quality_guidelines.*

How can I be sure that my comments were received?

If you wish Docket Management to notify you upon its receipt of your comments, enclose a self-addressed, stamped postcard in the envelope containing your comments. Upon receiving your comments, Docket Management will return the postcard by mail.

How do I submit confidential business information?

If you wish to submit any information under a claim of confidentiality, you should submit three copies of your complete submission, including the information you claim to be confidential business information, to the Chief Counsel, NHTSA, at the address given above under **FOR FURTHER INFORMATION CONTACT**. In addition, you should submit two copies, from which you have deleted the claimed confidential business information, to Docket Management at the address given above under **ADDRESSES**. When you send a comment containing information claimed to be confidential business information, you should include a cover letter setting forth the information specified in our confidential business information regulation. (49 CFR part 512). To facilitate social distancing during COVID–19, NHTSA is temporarily accepting confidential business information electronically. Please see *https://www.nhtsa.gov/coronavirus/submission-confidential-business-information* for details.

Will the Agency consider late comments?

We will consider all comments that Docket Management receives before the close of business on the comment closing date indicated above under **DATES**. To the extent possible, we will also consider comments that Docket Management receives after that date. If Docket Management receives a comment too late for us to consider for this rulemaking, we will consider that comment as an informal suggestion for future rulemaking action.

How can I read the comments submitted by other people?

You may see the comments on the internet. To read the comments on the internet, go to *http://www.regulations.gov.* Follow the online instructions for accessing the dockets.

Please note that, even after the comment closing date, we will continue to file relevant information in the Docket as it becomes available. Further, some people may submit late comments. Accordingly, we recommend that you periodically check the Docket for new material.

Issued under authority delegated in 49 CFR 1.95 and 501.4.

Steven S. Cliff,

Acting Administrator.

[FR Doc. 2021–18634 Filed 8–27–21; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2020–0054; Notice 1]

Notice of Receipt of Petition for Decision That Nonconforming Model Year 2019 Schuler Spezialfahrzeuge GmbH Trailers Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration, Department of Transportation (DOT).

ACTION: Receipt of petition.

SUMMARY: This document announces the National Highway Traffic Safety Administration (NHTSA) receipt of a petition for a decision that model year (MY) 2019 Schuler Spezialfahrzeuge GmbH trailers that were not originally manufactured to comply with all applicable Federal motor vehicle safety standards (FMVSS), are eligible for importation into the United States because they are capable of being readily altered to conform to the standards.

DATES: The closing date for comments on the petition is September 29, 2021.

ADDRESSES: Interested persons are invited to submit written data, views, and arguments on this petition. Comments must refer to the docket and notice number cited in the title of this notice and may be submitted by any of the following methods:

- *Mail:* Send comments by mail addressed to the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* Deliver comments by hand to the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590. The Docket Section is open on weekdays from 10 a.m. to 5 p.m. except for Federal Holidays.
- *Electronically:* Submit comments electronically by logging onto the Federal Docket Management System (FDMS) website at *https://www.regulations.gov/.* Follow the online instructions for submitting comments.
- Comments may also be faxed to (202) 493–2251.

Comments must be written in the English language, and be no greater than 15 pages in length, although there is no limit to the length of necessary attachments to the comments. If comments are submitted in hard copy form, please ensure that two copies are provided. If you wish to receive confirmation that comments you have submitted by mail were received, please enclose a stamped, self-addressed postcard along with the comments. Note that all comments received will be posted without change to *https://www.regulations.gov,* including any personal information provided.

All comments and supporting materials received before the close of business on the closing date indicated above will be filed in the docket and will be considered. All comments and supporting materials received after the closing date will also be filed and will be considered to the fullest extent possible.

All comments, background documentation, and supporting materials submitted to the docket may be viewed by anyone at the address and times given above. The documents may also be viewed on the internet at *https://www.regulations.gov* by following the online instructions for accessing the dockets. The docket ID number for this petition is shown in the heading of this notice.

DOT's complete Privacy Act Statement is available for review in a **Federal Register** notice published on April 11, 2000, (65 FR 19477–78).

FOR FURTHER INFORMATION CONTACT: Robert Mazurowski, Office of Vehicle Safety Compliance, NHTSA (202–366–1012).

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 30141(a)(1)(A), a motor vehicle that was not originally manufactured to conform to all applicable FMVSS shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured

for importation into and sale in the United States, certified under 49 U.S.C. 30115, and of the same MY as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable FMVSS.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR part 592. As specified in 49 CFR 593.7, NHTSA publishes notice of each petition that it receives in the **Federal Register**, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the **Federal Register**.

Skytop Rover Co., Inc., (Registered Importer R–6–343), of Philadelphia, Pennsylvania has petitioned NHTSA to decide whether nonconforming MY 2019 Schuler Spezialfahrzeuge GmbH trailers are eligible for importation into the United States. The vehicles which America's Import & Export Authority Inc. believes are capable of being readily altered to conform to all applicable FMVSS.

Skytop Rover Co., Inc. submitted information with its petition intended to demonstrate that non-U.S. certified MY 2019 Schuler Spezialfahrzeuge GmbH trailers, as originally manufactured, conform to many applicable FMVSS, or are capable of being readily altered to conform to those standards. Specifically, the petitioner claims that the non-U.S. certified MY 2019 Schuler Spezialfahrzeuge GmbH trailers, as originally manufactured, are only subject to: FMVSS Nos. 108, *Lamps, Reflective Devices and Associated Equipment,* 119, *New Pneumatic Tires,* 120, *Tire and Rim Selection,* 121, *Air Brake Systems,* 223, *Rear Impact Guards,* 224, *Rear Impact Protection.*

The petitioner also contends that the subject non-U.S. certified vehicles meet the following FMVSS:

FMVSS No. 108, *Lamps, Reflective Devices and Associated Equipment:* The petitioner claims the vehicle meets all aspects of this standard. The petitioner provided pictures of the lighting and retro-reflective tape on the vehicle as equipped however the images revealed no retroreflective tape applied to the upper corners of the rear extremity of the vehicle.

FMVSS No. 119, *New Pneumatic Tires:* The petitioner claims the vehicle is equipped with tires that bear the relevant ''DOT'' markings/symbols and all required information for U.S. DOT certification.

FMVSS No. 121, *Air Brake Systems:* The petitioner claims the vehicle meets all aspects of this standard. The petitioner provided a test report limited in scope to service brake and park brake actuation and release timing tests. The test report showed results that are within the requirements for brake actuation specified for this FMVSS. The petitioner did not provide any further substantiation of compliance with this standard.

FMVSS Nos. 223, *Rear Impact Guards* and 224, *Rear Impact Protection:* The petitioner claims the rearmost structural element of the trailer has a ground clearance of less than 22 inches and therefor is excluded from the requirements of FMVSS No. 224. The petitioner also states that a rear impact guard is not required therefor FMVSS No. 223 is not applicable. The petitioner provided photographs depicting the measurements of the ground clearance of the rearmost structural member of the trailer that appear to support this claim.

The petitioner also contends that the subject non-U.S. certified vehicles are capable of meeting the requirements set forth in 49 CFR part 565, *Vehicle Identification Number Requirements* and 49 CFR, part 567, *Certification* by affixing a safety certification label to the trailer on the ''Left Front Half at Shoulder Height'' that contains the VIN number of the vehicle to fully comply with these standards.

Authority: 49 U.S.C. 30141(a)(1)(A), (a)(1)(B), and (b)(1); 49 CFR 593.7; delegation of authority at 49 CFR 1.95 and 501.8.

Otto G. Matheke III,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 2021–18568 Filed 8–27–21; 8:45 am]

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